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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."

ROBIN CARNAHAN

SECRETARY OF STATE

MISSOURI REGISTER

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ROBIN CARNAHAN

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

DIRECTOR

WAYLENE W. HILES

•

SUPERVISING EDITOR

BARBARA MCDOUGAL

•

EDITORS

CURTIS W. TREAT SALLY L. REID

•

PUBLISHING STAFF

WILBUR HIGHBARGER JACQUELINE D. WHITE

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at http://www.sos.mo.gov/adrules/pubsched.asp

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 5—Prevailing Wage Arbitration

EMERGENCY RULE

8 CSR 30-5.010 Filing for Arbitration

PURPOSE: This rule establishes the procedures for filing for arbitration under Missouri's Prevailing Wage Law.

EMERGENCY STATEMENT: The 94th General Assembly amended the Prevailing Wage Law through the passage of SB 339 effective August 28, 2007. This emergency rule is necessary to protect the public health, safety and welfare of the state and employers on Missouri public works projects. The law allows an employer to dispute the Department of Labor and Industrial Relations' notice of penalty for violations of the law. It also requires that the department establish a rule which allows an employer the right to resolve such dispute through arbitration. The Department of Labor and Industrial Relations, Division of Labor Standards, finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest in that when the new statute goes into effect, there will be employers with the right under Missouri law to arbitrate the division's findings without a mechanism in place to exercise that right. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the amendments made to the Prevailing Wage Law in SB 339. The department believes this emergency rule to be fair to all interested parties. This emergency rule was filed July 19, 2007, effective August 28, 2007, expires February 28, 2008.

(1) An employer shall have forty-five (45) days from the date of notice of penalty for violations of sections 290.210 to 290.340, RSMo, to dispute the notice of penalty. Upon receipt of the written notice of dispute from the employer, the department shall notify the employer of its right to arbitration. Within ten (10) days of an employer's notification of the right to arbitration, an employer that wishes to arbitrate the matter shall submit to the department a Request for Arbitration (Request) along with any filing fees required by the arbitration service provider. Request for Arbitration forms may be obtained by contacting the Division of Labor Standards. The date of submission of a Request is the date the Request is postmarked or the date the department receives the Request by facsimile. Within ten (10) days of the department's receipt of a request under this rule, the department shall mail a copy of the Request along with the department's guidelines for arbitration to the American Association of Arbitration (AAA) or other arbitration service provider if the other arbitration service provider is mutually agreed to by the parties. Included in this information shall be the department's criteria for arbitrators relating to residence, cost per hour and any other criteria the department deems appropriate or necessary.

(2) The arbitration service provider shall promptly submit simultaneously to each party participating in the arbitration an identical list of names of seven (7) persons chosen from a panel of fifty (50) arbitrators that meet the geographic, cost and other criteria set by the department. Choosing the arbitrator from the list of seven (7) shall be done in conformance with standard AAA procedures or other arbitration procedures if the other procedures are mutually agreed to by the parties.

(3) No person shall serve as an arbitrator in any arbitration under these rules in which that person has any past or existing financial or personal interest in the result of the arbitration. Any prospective or designated arbitrator shall immediately disclose to the arbitration service provider any circumstance likely to affect impartiality, including any bias or financial or personal interest in the result of the arbitration. Such disclosure shall also include conflicts of interest that might arise after the arbitration process has already started. Upon the arbitrator service provider's receipt of any circumstance likely to affect impartiality from the arbitrator or another source, the arbitration service provider shall communicate the circumstance to the parties. Upon objection of a party to the continued service of an arbitrator, the arbitration service provider shall, after consultation with the parties, determine whether the arbitrator should be disqualified and shall inform the parties of its decision, which shall be conclusive.

(4) For any filing or notice deadlines associated with arbitration under this rule that fall on Saturday, Sunday, or a legal holiday, the filing or notice shall be deemed timely if accomplished on the next day which is neither a Saturday, Sunday, nor a legal holiday.

AUTHORITY: section 290.240(2), RSMo 2000, as amended in SB 339, 2007. Emergency rule filed July 19, 2007, effective Aug. 28, 2007, expires Feb. 28, 2008. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 5—Prevailing Wage Arbitration

EMERGENCY RULE

8 CSR 30-5.020 Hearings Procedures for Arbitration

PURPOSE: This rule establishes the arbitration procedures to be used under Missouri's Prevailing Wage Law.

EMERGENCY STATEMENT: The 94th General Assembly amended the Prevailing Wage Law through the passage of SB 339 effective August 28, 2007. This emergency rule is necessary to protect the public health, safety and welfare of the state and employers on Missouri public works projects. The law allows an employer to dispute the Department of Labor and Industrial Relations' notice of penalty for violations of the law. It also requires that the department establish a rule which allows an employer the right to resolve such dispute through arbitration. As a result, the Department of Labor and Industrial Relations, Division of Labor Standards, finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest in that when the new statute goes into effect, there will be employers with the right under Missouri law to arbitrate the division's findings without a mechanism in place to exercise that right. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the amendments made to the Prevailing Wage Law in SB 339. The department believes this emergency rule to be fair to all interested parties. This emergency rule was filed July 19, 2007, effective August 28, 2007, expires February 28, 2008.

(1) Date, Time and Site for Arbitration Hearing. All arbitration hearings shall be held in Jefferson City unless otherwise agreed to by the parties. The parties shall respond to requests for hearing dates from the arbitration service provider within ten (10) days of receipt. Upon the request of either party or the arbitration service provider, the arbitrator shall have the authority to convene a scheduling conference call and/or issue a Notice of Hearing setting the date, time and place for hearing.

(2) Notice of Hearing. The arbitrator shall issue to both parties a written Notice of Hearing detailing the arrangements agreed to by the parties or ordered by the arbitrator at least ten (10) days before the hearing date, unless otherwise agreed to by the parties.

(3) Postponement or Cancellation. The arbitrator, for good cause shown, may postpone or cancel the hearing upon the request of a party or upon his or her own initiative. The parties can also agree to a postponement or cancellation of a hearing. Any postponement or cancellation fees owed to the arbitration service provider and/or the arbitrator shall be paid by the party requesting a postponement or cancellation. If the parties agree to a postponement or cancellation of a hearing, the postponement or cancellation fee shall be divided evenly between the parties. In the event of a cancellation of the arbitration after the commencement of the arbitration hearing, all fees owed to the arbitrator for services rendered shall be paid by the party requesting the cancellation. If an employer resolves the matter after requesting arbitration but prior to an arbitrator's award, such resolution shall be considered a cancellation of the arbitration and the employer shall pay all fees owed to the arbitrator for services rendered.

(4) Costs. Unless otherwise provided in this rule or by Missouri law, each party shall be responsible for paying all costs associated with presenting its case before the arbitrator. All filing fees shall be paid in accordance with the guidelines of American Association of Arbitration (AAA) or other arbitration service provider mutually agreed to by the parties. All administrative fees billed by the arbitration service provider shall be divided evenly between the parties. All costs billed by the arbitrator shall be divided evenly between the parties unless otherwise provided for in 8 CSR 30-5.030(2) and (3) and/or sections (3) and (4) of this rule.

(5) Commencement of Hearing. A hearing shall be opened by the following actions:

(A) Administration of the oath to all parties by the arbitrator; and

(B) Recording of the date, time and place of the hearing and the presence of the arbitrator, the parties, and counsel, if any.

(6) Evidence.

(A) The parties may offer such evidence as is relevant and material to the dispute and shall produce such additional evidence as the arbitrator may deem necessary to reach an understanding and determination of the dispute. An arbitrator can subpoena any witnesses and any documents upon the request of any party. If a party, or any person or organization within the control of a party, fails to obey a subpoena of an arbitrator, the arbitrator shall treat the evidence requested but not produced as establishing an inference favorable to the position of the party who subpoenaed the item, subject to the opposing party's right to seek an order in Circuit Court quashing or limiting the scope of the subpoena. In the event a party fails to comply with a subpoena, the requesting party may seek to enforce the subpoena in Circuit Court. The arbitrator shall make all decisions regarding the relevance and materiality of the evidence offered and conformity to legal rules of any evidence shall not be necessary. All of the evidence shall be taken in the presence of the arbitrator and all the parties except where any of the parties is absent in default or has waived the right to be present.

(B) All documents that are not filed with the arbitrator before or at the hearing, but arranged at the hearing or subsequently by agreement of the parties to be submitted, shall be filed with the arbitration service provider for transmission to the arbitrator or transmitted to the arbitrator directly if the parties agree. All parties shall be able to inspect the documents and object to their relevance and materiality to the dispute prior to the arbitrator making a determination of their relevance and materiality.

(7) Exhibits. The arbitrator may receive into evidence exhibits offered by the parties. The names and addresses of all witnesses and exhibits in order received shall be made part of the record. The arbitrator shall afford each party equal opportunity for the presentation of relevant proofs. Final determinations of relevance shall be made by the arbitrator.

(8) Witnesses. Each party shall provide to the opposing party and the arbitrator a list of witnesses that it intends to call to testify or provide written statements. Such list shall be provided to the opposing party and arbitrator at least two (2) business days prior to the hearing. At the discretion of the arbitrator, failure to do so may result in the party's forfeiture of its right to call the witness. If a party wants to add persons to its witness list within two (2) business days of the hearing or at the hearing, the arbitrator may permit the witness to testify if the arbitrator finds it to be in the interest of fairness and relevant.

(9) Communication with the Arbitrator. There shall be no direct communication between the parties and the arbitrator on substantive matters relating to the case other than at oral hearings, unless the parties and the arbitrator agree otherwise. Any other oral or written communication from the parties to the arbitrator shall be directed to the arbitration service provider for transmittal to the arbitrator.

(10) Closing the Hearing. The arbitrator shall inquire of all parties whether they have any additional exhibits or witnesses to present.

The arbitrator shall afford each party the opportunity to present an oral closing statement. Once both parties indicate that they have no more evidence to present or the arbitrator determines that all necessary relevant and non-duplicative evidence has been presented and the record is complete, the arbitrator shall declare the hearing to be closed. If briefs or other documents are to be filed, the hearings shall be declared closed as of the final date set by the arbitrator for filing with the arbitration service provider or directly with the arbitrator. The time limit within which the arbitrator is required to make an award shall begin to run, in the absence of another agreement by the parties, on the closing date of the hearing.

AUTHORITY: section 290.240(2), RSMo 2000, as amended in SB 339, 2007. Emergency rule filed July 19, 2007, effective Aug. 28, 2007, expires Feb. 28, 2008. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 5—Prevailing Wage Arbitration

EMERGENCY RULE

8 CSR 30-5.030 Awards by the Arbitrator

PURPOSE: This rule establishes guidelines as to when an arbitrator's award must be rendered and the form in which it must be rendered, the result of a resolution of the controversy prior to an arbitrator's award, the release of arbitration documents for judicial proceedings and a party's recourse for an arbitrator's failure to follow 8 CSR 30-5.010 through 8 CSR 30-5.030.

EMERGENCY STATEMENT: The 94th General Assembly amended the Prevailing Wage Law through the passage of SB 339 effective August 28, 2007. This emergency rule is necessary to protect the public health, safety and welfare of the state and employers on Missouri public works projects. The law allows an employer to dispute the Department of Labor and Industrial Relations' notice of penalty for violations of the law. It also requires that the department establish a rule which allows an employer the right to resolve such dispute through arbitration. As a result, the Department of Labor and Industrial Relations, Division of Labor Standards, finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest in that when the new statute goes into effect, there will be employers with the right under Missouri law to arbitrate the division's findings without a mechanism in place to exercise that right. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the amendments made to the Prevailing Wage Law in SB 339. The department believes this emergency rule to be fair to all interested parties. This emergency rule was filed July 19, 2007, effective August 28, 2007, expires February 28, 2008.

(1) Time of Determination.

(A) The arbitrator shall issue the arbitration award promptly and, unless otherwise agreed to by the parties, no later than thirty (30) days from the date of closing the hearings or no later than thirty (30) days after receipt by the arbitrator of the briefs and any attached exhibits. All awards made by the arbitrator are final and binding.

(B) The determination shall be deemed to be rendered on the date it is postmarked or otherwise transmitted to the arbitration service provider by the arbitrator, whether by regular mail or electronically. Decisions cannot be rendered by telephone.

(C) If a determination is transmitted electronically or by facsimile, the arbitrator shall promptly deliver an original to the arbitration service provider.

(2) Form of the Arbitration Award. The arbitration award shall be in writing and shall be signed by the arbitrator. A party shall advise the arbitration service provider in writing, by no later than the conclusion of the hearing, whenever it would like the arbitrator to accompany the arbitration award with an opinion. All costs incurred as a result of the opinion shall be paid by the party who requested the opinion. If both parties request the opinion, all costs incurred as a result of the opinion shall be divided evenly between the parties.

(3) Resolution Prior to Arbitrator's Award. If at any time prior to the arbitrator rendering an award in the matter the employer pays the back wages as determined by the department, the matter shall be deemed resolved and the proceedings shall conclude. All costs shall be paid in accordance with 8 CSR 30-5.020(3) and (4) and section (2) of this rule.

(4) Release of Documents for Judicial Proceedings. The arbitration service provider shall, upon the written request of a party, furnish such party, at the requesting party's expense, certified copies of any papers in the arbitration service provider's possession that may be required in judicial proceedings relating to arbitration.

(5) Failure to Comply with Determination of Arbitrator. If the employer fails to pay all wages due as determined by the arbitrator within forty-five (45) days following the date the arbitrator's award is rendered, or if the employer fails to exercise the right to seek arbitration, the department may then pursue an enforcement action to enforce the monetary penalty provisions of 290.250.1, RSMo. If the court orders payment of the penalties as prescribed in 290.250.1, RSMo, the department shall be entitled to recover its actual cost of enforcement from such penalty amount.

AUTHORITY: section 290.240(2), RSMo 2000, as amended in SB 339, 2007. Emergency rule filed July 19, 2007, effective Aug. 28, 2007, expires Feb. 28, 2008. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 5—Prevailing Wage Arbitration

PROPOSED RULE

8 CSR 30-5.010 Filing for Arbitration

PURPOSE: This rule establishes the procedures for filing for arbitration under Missouri's Prevailing Wage Law.

(1) An employer shall have forty-five (45) days from the date of notice of penalty for violations of sections 290.210 to 290.340, RSMo, to dispute the notice of penalty. Upon receipt of the written notice of dispute from the employer, the department shall notify the employer of its right to arbitration. Within ten (10) days of an employer's notification of the right to arbitration, an employer that wishes to arbitrate the matter shall submit to the department a Request for Arbitration (Request) along with any filing fees required by the arbitration service provider. Request for Arbitration forms may be obtained by contacting the Division of Labor Standards. The date of submission of a Request is the date the Request is postmarked or the date the department receives the Request by facsimile. Within ten (10) days of the department's receipt of a request under this rule, the department shall mail a copy of the Request along with the department's guidelines for arbitration to the American Association of Arbitration (AAA) or other arbitration service provider if the other arbitration service provider is mutually agreed to by the parties. Included in this information shall be the department's criteria for arbitrators relating to residence, cost per hour and any other criteria the department deems appropriate or necessary.

(2) The arbitration service provider shall promptly submit simultaneously to each party participating in the arbitration an identical list of names of seven (7) persons chosen from a panel of fifty (50) arbitrators that meet the geographic, cost and other criteria set by the department. Choosing the arbitrator from the list of seven (7) shall be done in conformance with standard AAA procedures or other arbitration procedures if the other procedures are mutually agreed to by the parties.

(3) No person shall serve as an arbitrator in any arbitration under these rules in which that person has any past or existing financial or personal interest in the result of the arbitration. Any prospective or designated arbitrator shall immediately disclose to the arbitration service provider any circumstance likely to affect impartiality, including any bias or financial or personal interest in the result of the arbitration. Such disclosure shall also include conflicts of interest that might arise after the arbitration process has already started. Upon the arbitrator service provider's receipt of any circumstance likely to affect impartiality from the arbitrator or another source, the arbitration service provider shall communicate the circumstance to the parties. Upon objection of a party to the continued service of an arbitrator, the arbitration service provider shall, after consultation with the parties, determine whether the arbitrator should be disqualified and shall inform the parties of its decision, which shall be conclusive.

(4) For any filing or notice deadlines associated with arbitration under this rule that fall on Saturday, Sunday, or a legal holiday, the filing or notice shall be deemed timely if accomplished on the next day which is neither a Saturday, Sunday, nor a legal holiday.

AUTHORITY: section 290.240(2), RSMo 2000, as amended in SB 339, 2007. Emergency rule filed July 19, 2007, effective Aug. 28, 2007, expires Feb. 28, 2008. Original rule filed July 19, 2007.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost private entities one thousand one hundred dollars ($1,100) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Labor Standards, Attn: Allen E. Dillingham, Director, PO Box 449, Jefferson City, MO 65102-0449. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Title 8: Department of Labor and Industrial Relations
Division 30: Division of Labor Standards
Chapter 5: Prevailing Wage Arbitration

Rule Number and Title:	8 CSR 30-5.010 Filing for Arbitration
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,500 + or -, any employer who performs work on a Missouri Public Works Project	**Arbitration Filing Fees**	**$1,100**

III. WORKSHEET
Filing Fees of $100 to be paid by the party (employer) filing for arbitration.

IV. ASSUMPTIONS
It is unknown how many employers will dispute the notice of penalty and thereafter file for arbitration. The Division of Labor Standards forwarded eleven (11) investigative files to the Attorney General's office in FY-07 to pursue penalties assessed for violations of the Prevailing Wage Law. If all eleven (11) of the employers in these cases would have filed for arbitration the annual total cost for private entities would have been $1,100.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 5—Prevailing Wage Arbitration

PROPOSED RULE

8 CSR 30-5.020 Hearings Procedures for Arbitration

PURPOSE: This rule establishes the arbitration procedures to be used under Missouri's Prevailing Wage Law.

(1) Date, Time and Site for Arbitration Hearing. All arbitration hearings shall be held in Jefferson City unless otherwise agreed to by the parties. The parties shall respond to requests for hearing dates from the arbitration service provider within ten (10) days of receipt. Upon the request of either party or the arbitration service provider, the arbitrator shall have the authority to convene a scheduling conference call and/or issue a Notice of Hearing setting the date, time and place for hearing.

(2) Notice of Hearing. The arbitrator shall issue to both parties a written Notice of Hearing detailing the arrangements agreed to by the parties or ordered by the arbitrator at least ten (10) days before the hearing date, unless otherwise agreed to by the parties.

(3) Postponement or Cancellation. The arbitrator, for good cause shown, may postpone or cancel the hearing upon the request of a party or upon his or her own initiative. The parties can also agree to a postponement or cancellation of a hearing. Any postponement or cancellation fees owed to the arbitration service provider and/or the arbitrator shall be paid by the party requesting a postponement or cancellation. If the parties agree to a postponement or cancellation of a hearing, the postponement or cancellation fee shall be divided evenly between the parties. In the event of a cancellation of the arbitration after the commencement of the arbitration hearing, all fees owed to the arbitrator for services rendered shall be paid by the party requesting the cancellation. If an employer resolves the matter after requesting arbitration but prior to an arbitrator's award, such resolution shall be considered a cancellation of the arbitration and the employer shall pay all fees owed to the arbitrator for services rendered.

(4) Costs. Unless otherwise provided in this rule or by Missouri law, each party shall be responsible for paying all costs associated with presenting its case before the arbitrator. All filing fees shall be paid in accordance with the guidelines of American Association of Arbitration (AAA) or other arbitration service provider mutually agreed to by the parties. All administrative fees billed by the arbitration service provider shall be divided evenly between the parties. All costs billed by the arbitrator shall be divided evenly between the parties unless otherwise provided for in 8 CSR 30-5.030(2) and (3) and/or sections (3) and (4) of this rule.

(5) Commencement of Hearing. A hearing shall be opened by the following actions:

(A) Administration of the oath to all parties by the arbitrator; and

(B) Recording of the date, time and place of the hearing and the presence of the arbitrator, the parties, and counsel, if any.

(6) Evidence.

(A) The parties may offer such evidence as is relevant and material to the dispute and shall produce such additional evidence as the arbitrator may deem necessary to reach an understanding and determination of the dispute. An arbitrator can subpoena any witnesses and any documents upon the request of any party. If a party, or any person or organization within the control of a party, fails to obey a subpoena of an arbitrator, the arbitrator shall treat the evidence requested but not produced as establishing an inference favorable to the position of the party who subpoenaed the item, subject to the opposing party's right to seek an order in Circuit Court quashing or limiting the scope of the subpoena. In the event a party fails to comply with a subpoena, the requesting party may seek to enforce the subpoena in Circuit Court. The arbitrator shall make all decisions regarding the relevance and materiality of the evidence offered and conformity to legal rules of any evidence shall not be necessary. All of the evidence shall be taken in the presence of the arbitrator and all the parties except where any of the parties is absent in default or has waived the right to be present.

(B) All documents that are not filed with the arbitrator before or at the hearing, but arranged at the hearing or subsequently by agreement of the parties to be submitted, shall be filed with the arbitration service provider for transmission to the arbitrator or transmitted to the arbitrator directly if the parties agree. All parties shall be able to inspect the documents and object to their relevance and materiality to the dispute prior to the arbitrator making a determination of their relevance and materiality.

(7) Exhibits. The arbitrator may receive into evidence exhibits offered by the parties. The names and addresses of all witnesses and exhibits in order received shall be made part of the record. The arbitrator shall afford each party equal opportunity for the presentation of relevant proofs. Final determinations of relevance shall be made by the arbitrator.

(8) Witnesses. Each party shall provide to the opposing party and the arbitrator a list of witnesses that it intends to call to testify or provide written statements. Such list shall be provided to the opposing party and arbitrator at least two (2) business days prior to the hearing. At the discretion of the arbitrator, failure to do so may result in the party's forfeiture of its right to call the witness. If a party wants to add persons to its witness list within two (2) business days of the hearing or at the hearing, the arbitrator may permit the witness to testify if the arbitrator finds it to be in the interest of fairness and relevant.

(9) Communication with the Arbitrator. There shall be no direct communication between the parties and the arbitrator on substantive matters relating to the case other than at oral hearings, unless the parties and the arbitrator agree otherwise. Any other oral or written communication from the parties to the arbitrator shall be directed to the arbitration service provider for transmittal to the arbitrator.

(10) Closing the Hearing. The arbitrator shall inquire of all parties whether they have any additional exhibits or witnesses to present. The arbitrator shall afford each party the opportunity to present an oral closing statement. Once both parties indicate that they have no more evidence to present or the arbitrator determines that all necessary relevant and non-duplicative evidence has been presented and the record is complete, the arbitrator shall declare the hearing to be closed. If briefs or other documents are to be filed, the hearings shall be declared closed as of the final date set by the arbitrator for filing with the arbitration service provider or directly with the arbitrator. The time limit within which the arbitrator is required to make an award shall begin to run, in the absence of another agreement by the parties, on the closing date of the hearing.

AUTHORITY: section 290.240(2), RSMo 2000, as amended in SB 339, 2007. Emergency rule filed July 19, 2007, effective Aug. 28, 2007, expires Feb. 28, 2008. Original rule filed July 19, 2007.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions one thousand dollars to fifty-seven thousand two hundred dollars ($1,000–$57,200) annually in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost private entities one thousand eight hundred dollars to ten thousand dollars ($1,800–$10,000) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Labor Standards, Attn: Allen E. Dillingham, Director, PO Box 449, Jefferson City, MO 65102-0449. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Title 8: Department of Labor and Industrial Relations
Division 30: Division of Labor Standards
Chapter 5: Prevailing Wage Arbitration

Rule Number and Name:	8 CSR 30-5.020 Hearings Procedures for Arbitration
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Labor and Industrial Relation/Division of Labor Standards	**$1,000 to $57,200 annually**

III. WORKSHEET

Case service fees dependent on the amount of claim ranges from $200 to $4,000 to be split by the parties.
Daily per diem for Arbitrator is estimated to be $1,600 per day ($200 per hour).
A Hearing could last one (1) to three (3) days ($1,600 to $4,800 total).
All other administrative costs billed by the Arbitrator at $200 per hour (1 to 8 hrs @ $200 = $200 to $1,600)
All costs to be split by the parties.

IV. ASSUMPTIONS

It is estimated that the cost of arbitration to the state could range from $1,000 to $2,900 for a one day arbitration hearing and from $3,500 to $5,200 for a three day hearing. The Division of Labor Standards forwarded eleven (11) investigative files to the Attorney General's office in FY-07 to pursue penalties assessed for violations of the Prevailing Wage Law. If eleven (11) investigations files go to arbitration the annual cost could range from $11,000 to $57,200. It is unknown how many employers will dispute the notice of penalty and thereafter file for arbitration.

FISCAL NOTE
PRIVATE COST

I. Title 8: Department of Labor and Industrial Relations
Division 30: Division of Labor Standards
Chapter 5: Prevailing Wage Arbitration

Rule Number and Title:	8 CSR 30-5.020 Hearings Procedures for Arbitration
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,500 + or -, any employer who performs work on a Missouri Public Works Project	**Arbitration costs**	**$1,800 to $10,000**

III. WORKSHEET

Case service fees dependent on the amount of claim ranges from $200 to $4,000 to be split by the parties.
Daily per diem for Arbitrator is estimated to be $1,600 per day ($200 per hour).
A Hearing could last one (1) to three (3) days ($1,600 to $4,800 total).
All other administrative costs billed by the Arbitrator at $200 per hour (1 to 8 hrs @ $200 = $200 to $1,600)
All costs to be split by the parties.
Employer could have additional costs for private legal counsel estimated at $200 per hour ($200 to $4,800).

IV. ASSUMPTIONS

It is estimated that the cost of arbitration to any one employer could range from $1,800 to $3,700 for a one day arbitration hearing and from $8,100 to $10,000 for a three day hearing. It is unknown how many employers will dispute the notice of penalty and thereafter file for arbitration.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 5—Prevailing Wage Arbitration

PROPOSED RULE

8 CSR 30-5.030 Awards by the Arbitrator

PURPOSE: This rule establishes guidelines as to when an arbitrator's award must be rendered and the form in which it must be rendered, the result of a resolution of the controversy prior to an arbitrator's award, the release of arbitration documents for judicial proceedings and a party's recourse for an arbitrator's failure to follow 8 CSR 30-5.0l0 through 8 CSR 30-5.030.

(1) Time of Determination.

(A) The arbitrator shall issue the arbitration award promptly and, unless otherwise agreed to by the parties, no later than thirty (30) days from the date of closing the hearings or no later than thirty (30) days after receipt by the arbitrator of the briefs and any attached exhibits. All awards made by the arbitrator are final and binding.

(B) The determination shall be deemed to be rendered on the date it is postmarked or otherwise transmitted to the arbitration service provider by the arbitrator, whether by regular mail or electronically. Decisions cannot be rendered by telephone.

(C) If a determination is transmitted electronically or by facsimile, the arbitrator shall promptly deliver an original to the arbitration service provider.

(2) Form of the Arbitration Award. The arbitration award shall be in writing and shall be signed by the arbitrator. A party shall advise the arbitration service provider in writing, by no later than the conclusion of the hearing, whenever it would like the arbitrator to accompany the arbitration award with an opinion. All costs incurred as a result of the opinion shall be paid by the party who requested the opinion. If both parties request the opinion, all costs incurred as a result of the opinion shall be divided evenly between the parties.

(3) Resolution Prior to Arbitrator's Award. If at any time prior to the arbitrator rendering an award in the matter the employer pays the back wages as determined by the department, the matter shall be deemed resolved and the proceedings shall conclude. All costs shall be paid in accordance with 8 CSR 30-5.020(3) and (4) and section (2) of this rule.

(4) Release of Documents for Judicial Proceedings. The arbitration service provider shall, upon the written request of a party, furnish such party, at the requesting party's expense, certified copies of any papers in the arbitration service provider's possession that may be required in judicial proceedings relating to arbitration.

(5) Failure to Comply with Determination of Arbitrator. If the employer fails to pay all wages due as determined by the arbitrator within forty-five (45) days following the date the arbitrator's award is rendered, or if the employer fails to exercise the right to seek arbitration, the department may then pursue an enforcement action to enforce the monetary penalty provisions of 290.250.1, RSMo. If the court orders payment of the penalties as prescribed in 290.250.1, RSMo, the department shall be entitled to recover its actual cost of enforcement from such penalty amount.

AUTHORITY: section 290.240(2), RSMo 2000, as amended in SB 339, 2007. Emergency rule filed July 19, 2007, effective Aug. 28, 2007, expires Feb. 28, 2008. Original rule filed July 19, 2007.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Labor Standards, Attn: Allen E. Dillingham, Director, PO Box 449, Jefferson City, MO 65l02-0449. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.025 Definitions. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis is amending sections (5) and (6).

PURPOSE: This amendment allows police officers with a metropolitan license to work on private property.

(5) Designated area—The established property owned or leased to which a licensed security person is assigned by his/her employer or contracting company. Generally, the authority of a private security officer exists only within this designated area and applies only to incidents occurring within that area. This includes the term "licensed premises." **Police officers with the St. Louis County Police Department who have a valid metropolitan security license through their agency may work on any private property where security is contracted.**

(6) Firearm*[-]*/Gun*—[d]***D**ouble action .38 Special caliber revolver only**, or any other firearm approved by the Board of Police Commissioners**.

AUTHORITY: section 84.340, RSMo 2000. Original rule filed April 8, 1988, effective July l1, 1988. Amended: Filed Feb. 13, 2002, effective Aug. 30, 2002. Amended: Filed July 26, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Private Security Division, Sgt. Sherri Smith, 5600 Oakland, Tower "G" 330, St. Louis, MO 63l10, FAX: 314-644-9053 or email at slsmith@slmpd.org; with copies to Jane Berman Shaw, General Counsel, Legal Division, St. Louis Metropolitan Police Department, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-56l1, jshaw@slmpd.org, and Captain Thomas Magnan, Bureau of Professional Standards, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-57l1, tjmagnan@slmpd.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.035 Licensing. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis is amending sections (1), (3) and (8).

PURPOSE: This amendment requires applicants to obtain a security license to work as security officers.

(1) General Procedures. Each applicant must appear in person at the office of the private security section. Each applicant must complete an application form. S/he must provide all information requested in the application for a determination of his/her qualifications to hold a license as a private security officer. Each applicant must present a current letter (no older than ten (10) days) from the intended employer where the proposed employer states an intention to hire the applicant. Prior to an application being processed by the private security section, a criminal history inquiry will be made through the St. Louis Police Department's computer terminal. If the inquiry reveals that the applicant has an open criminal arrest record, s/he will be required to obtain a certified final court disposition or a report from a circuit or prosecuting attorney. If the case is still open, the application process will not be completed until a final disposition is obtained. Police officers from other jurisdictions **including St. Louis County Police, St. Louis Airport Police, St. Louis Deputy Sheriffs and St. Louis City Marshals,** serving or acting as private security officers do not possess police powers at the location of their assignments in the City of St. Louis unless licensed by the board of police commissioners of the City of St. Louis.

(A) All St. Louis Airport Police Officers, St. Louis Deputy Sheriffs and St. Louis City Marshals desiring to obtain a security license to work as a security officer in the City of St. Louis will be processed and trained through the St. Louis Metropolitan Police Department Private Security Section.

(B) Municipal police officers who desire to work security in the City of St. Louis must first obtain a valid metropolitan license from the St. Louis Metropolitan Police Department Private Security Section. While working in the City of St. Louis, the officer must display a badge/identification card clearly showing the name of the company for which s/he is working.

(C) Police officers from outside the State of Missouri must first obtain a valid license from the St. Louis Metropolitan Police Department Private Security Section. Applicants will be processed in the normal manner and will be required to complete the security officer training class after a satisfactory background check has been conducted. Police officers from states other than Missouri may not wear their department uniform while working security in the City of St. Louis.

(3) Issuance/Denial of License. When an applicant has successfully completed the requirements set by the board of police commissioners, the board will issue a license. An applicant may be denied a license for any of the following reasons:

(F) Resigned under investigation, resigned under charges or was discharged from any police force; *[and]*

(G) Has been denied a security license by any agency*[.]***; and**

(H) The employer is not in good standing with the board of police commissioners.

(8) License Renewals. A private security officer's license is valid for one (1) year from date of issue and it must be renewed in the month it expires.

(C) If firearms-qualified, the private security officer wishing to renew a license must provide proof of requalification through an approved firearms course. The private security officer must also submit a urine specimen for drug testing according to the provisions of these rules and regulations**, unless otherwise exempted**.

AUTHORITY: section 84.340, RSMo 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed Feb. 13, 2002, effective Aug. 30, 2002. Amended: Filed July 26, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Private Security Division, Sgt. Sherri Smith, 5600 Oakland, Tower "G" 330, St. Louis, MO 63110, FAX: 314-644-9053 or email at slsmith@slmpd.org; with copies to Jane Berman Shaw, General Counsel, Legal Division, St. Louis Metropolitan Police Department, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5611, jshaw@slmpd.org, and Captain Thomas Magnan, Bureau of Professional Standards, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5711, tjmagnan@slmpd.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.075 Duties. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis is amending section (1).

PURPOSE: This amendment clarifies responsibilities of the officers on duty.

(1) Duties. It is the duty of every licensed security officer:

(C) To cooperate with St. Louis police officers in the performance of their duties.

1. Participation by licensed private security officers, on duty or off duty, in police action where police officers are on the scene, shall be limited to identifying themselves to the officer(s) and offering assistance.

2. The judgement of the *[officer(s)]* **St. Louis Metropolitan Police on duty police officers** shall prevail in any situation where police are present. They are responsible for the proper handling and reporting of the incident in accordance with departmental policies.

3. Failure to cooperate with a St. Louis police officer may be cause for disciplinary action against a licensed private security officer.

4. Failure to assist a law enforcement agency or to aid in prosecution of a crime may be cause for disciplinary action against a licensed private security officer; and

AUTHORITY: section 84.340, RSMo 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed Feb. 13, 2002, effective Aug. 30, 2002. Amended: Filed July 26, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Private Security Division, Sgt. Sherri Smith, 5600 Oakland, Tower "G" 330, St. Louis, MO 63110, FAX: 314-644-9053 or email at slsmith@slmpd.org; with copies to Jane Berman Shaw, General Counsel, Legal Division, St. Louis Metropolitan Police Department, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5611, jshaw@slmpd.org, and Captain Thomas Magnan, Bureau of Professional Standards, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5711, tjmagnan@slmpd.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.085 Uniforms. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis is amending sections (1) and (2).

PURPOSE: This amendment, 17 CSR 20-2.085, proposed change is requested to allow police officers from other jurisdictions within the state of Missouri, St. Louis Airport Police, St. Louis City Deputy Sheriffs and St. Louis City Marshals, to wear their department's uniform while working secondary employment as a security officer within the City of St. Louis.

(1) *[No private security uniforms may resemble those of St. Louis police officers. The light blue shirt with dark blue jacket and trousers will not be duplicated. In addition, a]* **A** company shoulder patch will be mandatory on all shirts, coats and jackets of private security personnel*[, clearly identifying them as employees of that agency.]* **who are not paid, full-time Missouri Peace Officers Standards and Training (POST) certified police officers, having a minimum of six hundred (600) hours of POST certified training, St. Louis Airport Police, St. Louis City Deputy Sheriffs or St. Louis City Marshals. All paid, full-time Missouri POST certified police officers, having a minimum of six hundred (600) hours of POST certified training, will provide the Private Security Section with written documentation from the head law enforcement officer of their department indicating approval of their wearing of their department's official police uniform while working licensed security in the City of St. Louis.**

(A) Police officers who do not satisfy the above certification requirements shall be required to wear the company uniform for which they are employed, and are not eligible to wear their department's official police uniform.

(2) All private security officers should be aware of the following guidelines:

(A) All private security officers are required to wear a uniform, which, at a minimum, shall consist of trousers or skirt, and shirt or blouse. *[The word "police" will not be displayed anywhere on the private security officer's uniform. This extends to police officers from other jurisdictions while working as security officers in the City of St. Louis;]* **The word "police" shall only be displayed on uniforms of police officers acting in the capacity of private security officers who are state of Missouri POST certified police officers having a minimum of six hundred (600) hours of training and have been approved for licensing by the Chief of Police and Board of Police Commissioners or St. Louis Airport Police officers. Verification of the officer's POST certification is required;**

(D) Security personnel may wear a company badge or emblem as devised by their employer. These badges and emblems bear the name of the employer and identify the individual as a private security officer. The word "police" will not be used on the badge or emblem**, except as otherwwise provided**;

(E) A company shoulder patch *[may be worn on either the right or left sleeve approximately one inch (1") below the shoulder seam;]* **will be mandatory on all shirts, coats, and jackets of private security personnel. The patch may be worn on the right or left sleeve approximately one inch (1") below the shoulder seam. POST certified police officers with a minimum of six hundred (600) hours of training wearing their approved department uniforms while working security in the City of St. Louis are exempt from this requirement;**

AUTHORITY: section 84.340, RSMo 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed Feb. 13, 2002, effective Aug. 30, 2002. Amended: Filed July 26, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Private Security Division, Sgt. Sherri Smith, 5600 Oakland, Tower "G" 330, St. Louis, MO 63110, FAX: 314-644-9053 or email at slsmith@slmpd.org; with copies to Jane Berman Shaw, General Counsel, Legal Division, St. Louis Metropolitan Police Department, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5611, jshaw@slmpd.org, and Captain Thomas Magnan, Bureau of Professional Standards, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5711, tjmagnan@slmpd.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.105 Weapons. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis is amending sections (1), (2), (4) and (5).

PURPOSE: This amendment explains the limitations for officers who carry weapons.

(1) Limitations on Carrying Weapon. An armed private security officer licensed by the St. Louis Board of Police Commissioners may be permitted to carry on his/her person an authorized firearm, while traveling in either direction by the most direct route (without deviation and/or not to exceed one (1) hour) between his/her residence and place of assignment provided s/he is—

(B) Firearms-qualified; *[and]*

(C) Wearing a valid badge/identification card issued by this department*[.]***; and**

(D) Full-time, off-duty Missouri Peace Officers Standards and Training (POST) certified police officers with a minimum of six hundred (600) hours of training are exempt from this requirement.

(2) Private security officers who are authorized to carry their firearms to and from their place of residence have no authority to use their firearms during that travel period.

(B) A firearm and protective devices may not be carried off assigned premises for any nonduty related activities (lunch, fueling cars, personal relief, etc.). **Full-time off-duty Missouri POST certified police officers and St. Louis Airport Police Officers are exempt from this requirement.**

(4) Inspection and Registration. All firearms used by private security officers must be inspected by the department armorer or his/her designee and must be registered and on file in the private security section. Armed security officers may only use a duty weapon which is personally owned by them, or owned by their agency.

(B) **Except as provided above,** *[P]***p**rivate security officers must carry double action .38 Special caliber revolvers. The carrying of any other caliber weapon, including **semi**automatics, derringers, .357 Magnums and shotguns is prohibited. Only factory loaded, commercially available ammunition may be carried.

(5) Requirements for Police Officers from Other Jurisdictions Carrying Duty Weapons. Police officers from other jurisdictions working as security officers in the City of St. Louis may be permitted to carry their department duty weapon upon satisfying the following requirements:

(A) The officer must be a full-time employee of his/her agency and must submit a letter to the private security section from **the chief law enforcement officer of** his/her department indicating that the officer is a full-time commissioned officer;

(C) The officer must present a letter from **the chief law enforcement officer of** his/her department indicating the make, model and serial number of the weapon that they are allowed to carry while working for their department;

(D) The officer must present a letter from **the chief law enforcement officer of** his/her department indicating a policy that requires the officer to requalify with the duty weapon a minimum of twice each year**, and that the officer is subject to random drug testing**;

(E) The firearm must be approved by our department armorer and the armorer must indicate that the weapon has been approved and prepare a letter indicating approval of the weapon; *[and]*

(F) All other part-time police officers and reserve officers from other jurisdictions are required to carry a .38 caliber revolver while working security within the City of St. Louis and are required to successfully complete the firearms training program mandated by the board of police commissioners. **St. Louis Deputy Sheriffs and St. Louis City Marshals may carry a semiautomatic nine millimeter (9mm) firearm if that is their duty weapon, or a .38 caliber special revolver; and**

(G) Tasers or other devices not specifically permitted may not be carried or used by security officers or police officers working security, unless specifically exempted by the board of police commissioners.

AUTHORITY: section 84.340, RSMo 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed Feb. 13, 2002, effective Aug. 30, 2002. Amended: Filed July 26, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Private Security Division, Sgt. Sherri Smith, 5600 Oakland, Tower "G" 330, St. Louis, MO 63110, FAX: 314-644-9053 or email at slsmith@slmpd.org; with copies to Jane Berman Shaw, General Counsel, Legal Division, St. Louis Metropolitan Police Department, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5611, jshaw@slmpd.org, and Captain Thomas Magnan, Bureau of Professional Standards, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5711, tjmagnan@slmpd.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.125 Complaint/Disciplinary Procedures. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis is amending section (6).

PURPOSE: This amendment explains the exemptions for officers carrying weapons.

(6) Disciplinary Action and/or Punishment.

(B) Licensed security personnel, whether on or off duty, are subject to disciplinary action for violations of these rules. Offenses may include, but not be limited to, the following:

1. Conviction of a felony, misdemeanor or city ordinance;
2. Intoxication or drinking on duty;
3. Possession or illegal use of narcotic or potent drugs (controlled substance);
4. Assumption of police authority when not on duty;
5. Conduct contrary to the public peace and welfare;
6. Interference with any police officer engaged in the performance of his/her duties;
7. Overbearing or oppressive conduct during the performance of duty;
8. Failure to obey a reasonable order by an officer of the St. Louis Metropolitan Police Department;
9. Any conduct or actions which might jeopardize the reputation or integrity of the St. Louis Metropolitan Police Department or its members;
10. Failure to comply with the firearm restrictions, while traveling in either direction, without deviation between their residences and places of assignment by the most direct route (not to exceed one (1) hour);
11. Carrying any weapon other than a .38 *[S]***s**pecial caliber revolver while performing the duties of a private security officer**, unless specifically exempted**;
12. Failure to have a weapon inspected by the department armorer and/or his/her designee, not having a record of this weapon on file with the private security section;
13. Carrying more than one (1) authorized *[revolver]* **firearm** on duty;
14. Failure to wear a valid badge/identification card issued by this department on the breast of the outermost garment of security uniform, while on duty;
15. Failure to have in possession a badge/identification card authorizing uniform exemption while working in civilian attire;
16. Serving or acting as a licensed private security officer for any agency or business entity other than the one listed on his/her badge/identification card**, except officers of the St. Louis County Police Department**;
17. Failure to conform to uniform requirements;
18. Working as a licensed security person while under suspension;

19. Carrying a firearm concealed or otherwise in civilian attire and/or not actually engaged in providing a *bona fide* security function at the time;

20. Carrying or using a firearm while performing the duties of a licensed private security officer when not firearms qualified;

21. Any conduct constituting a breach of security or confidence;

22. Neglect of duty;

23. Failure to notify the private security section when and if arrested on any charge;

24. Failure to aid in prosecution;

25. Defacing or altering the badge/identification card;

26. Carrying unauthorized non-lethal weapons and/or protective devices;

27. Using unnecessary force in effecting an arrest or discourteous treatment or verbal abuse of any person;

28. Submitting a urine specimen which tests positive for controlled substances;

29. Failure to maintain on file at the private security section a current address and telephone number;

30. Failed to surrender badge/identification card to the private security section when license has been suspended;

31. Failure to cooperate in an investigation conducted by the private security section;

32. Identifying himself/herself as a police officer; and

33. Engaging in a vehicular pursuit.

AUTHORITY: section 84.340, RSMo 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed Feb. 13, 2002, effective Aug. 30, 2002. Amended: Filed July 26, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Private Security Division, Sgt. Sherri Smith, 5600 Oakland, Tower "G" 330, St. Louis, MO 63110, FAX: 314-644-9053 or email at slsmith@slmpd.org; with copies to Jane Berman Shaw, General Counsel, Legal Division, St. Louis Metropolitan Police Department, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5611, jshaw@slmpd.org, and Captain Thomas Magnan, Bureau of Professional Standards, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5711, tjmagnan@slmpd.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.135 Drug Testing. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis is amending subsection (1)(A).

PURPOSE: This amendment clarifies drug testing requirements for individuals seeking certification.

(1) Applicability. The following shall apply to all individuals seeking certification in any security category, including corporate security advisor, security officer, courier, as well as to all individuals seeking renewal or reinstatement of certification:

(A) Any individual seeking certification as an armed security officer or any individual seeking reinstatement of certification, shall submit to urinalysis testing before certification is granted, renewed or reinstated. This testing shall be for the purpose of determining the presence or absence of illegal drugs. Refusal to comply with this requirement shall result in the denial of certification, renewal of certification or reinstatement of certification as an armed security officer, corporate security advisor or courier**, except as otherwise provided**;

AUTHORITY: section 84.340, RSMo 2000. Original rule filed April 16, 1990, effective June 28, 1990. Amended: Filed June 30, 1992, effective Feb. 26, 1993. Amended: Filed Feb. 13, 2002, effective Aug. 30, 2002. Amended: Filed July 26, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Private Security Division, Sgt. Sherri Smith, 5600 Oakland, Tower "G" 330, St. Louis, MO 63110, FAX: 314-644-9053 or email at slsmith@slmpd.org; with copies to Jane Berman Shaw, General Counsel, Legal Division, St. Louis Metropolitan Police Department, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5611, jshaw@slmpd.org, and Captain Thomas Magnan, Bureau of Professional Standards, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5711, tjmagnan@slmpd.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2232—Missouri State Committee of Interpreters
Chapter 1—General Rules

PROPOSED AMENDMENT

20 CSR 2232-1.040 Fees. The board is proposing to amend subsection (1)(E).

PURPOSE: This amendment lowers the insufficient funds check fee from fifty dollars ($50) to twenty-five dollars ($25).

(1) The following fees are established and are payable in the form of a cashier's check, personal check, or money order:

(E) Insufficient Funds Check Fee *[$50.00]* **$25**

AUTHORITY: section 209.328.2(2), RSMo 2000. This rule originally filed as 4 CSR 232-1.040. Original rule filed Feb. 18, 1999, effective July 30, 1999. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed March 18, 2005, effective Sept. 30, 2005. Moved to 20 CSR 2232-1.040, effective Aug. 28, 2006. Amended: Filed Aug. 1, 2007.

PUBLIC COST: This proposed amendment will reduce the Interpreters Fund by approximately twenty-five dollars ($25) biennially for the life of the rule. It is anticipated that the total reduction will recur biennially for the life of the rule.

PRIVATE COST: This proposed amendment will save private entities an estimated twenty-five dollars ($25) biennially for the life of the

rule. It is anticipated that the total savings will recur biennially for the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 526-0661, or by emailing comments to interpreters@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2232 - Missouri State Committee of Interpreters
Chapter 1 - Fees
Proposed Amendment - 20 CSR 2232-1.040 Fees
Prepared July 2, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue
State Committee of Interpreters	$25.00
Total Loss of Revenue Biennially for the Life of the Rule	$25.00

III. WORKSHEET

The division is statutorily obligated to enforce and administer the provisions of sections 209.287-209.339, RSMo. Pursuant to Section 209.318, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 209.287-209.339, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 209.287-209.339, RSMo. The board estimates the projections calcuated in the Private Entity Fiscal Notes will be total loss of revenue for the board.

IV. ASSUMPTION

1. The division is statutorily obligated to enforce and administer the provisions of sections 209.287-209.339, RSMo. Pursuant to Section 209.318, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 209.287-209.339, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 209.287-209.339, RSMo.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2232 - Missouri State Committee of Interpreters
Chapter 1 - Fees
Proposed Amendment - 20 CSR 2232-1.040 Fees
Prepared July 2, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated savings for compliance with the amendment by affected entities:
1	Insufficient Funds Returned ($25 decrease)	$25
	Estimated Biennial Cost Savings for the Life of the	**$25**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY 06 actuals and FY08 projections.
2. It is anticipated that the total savings will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 9—Solid Waste Management Fund

ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources under sections 260.225 and 260.335, RSMo Supp. 2006, the department rescinds a rule as follows:

10 CSR 80-9.010 Solid Waste Management Fund—Planning/ Organizational Grants **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2007 (32 MoReg 323). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held April 3, 2007, and the public comment period ended May 3, 2007. At the public hearing, the department's Solid Waste Management Program staff explained the proposed rescission and no comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 9—Solid Waste Management Fund

ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources under sections 260.225 and 260.335, RSMo Supp. 2006, the department amends a rule as follows:

10 CSR 80-9.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2007 (32 MoReg 323–331). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on the proposed rule was held April 3, 2007, and the public comment period ended May 3, 2007. The department received comments from twenty-one (21) entities. Twelve (12) comments were received from the Solid Waste Advisory Board and endorsed by the following entities: Jean Ponzi, Region D Recycling and Waste Management District, Region M Solid Waste Management District, Northwest Missouri Regional Solid Waste Management District, Missouri Recycling Association, Earth Ways Center, Mid-America Regional Council Solid Waste Management District, city of Independence and St. Louis-Jefferson Solid Waste Management District. The St. Louis-Jefferson Solid Waste Management District also submitted thirty (30) additional comments. Comments were also received from Mark Twain Solid Waste Management District, Genesis Group of Missouri, Solid Waste District "O," Operation Food Search, Mid-Missouri Solid Waste Management District, South Central Solid Waste Management District, St. Louis County Municipal League, Ozark Rivers Solid Waste Management District, Mid-America Regional Council, Stinson Morrison Hecker, LLP, and the National Solid Wastes Management Association Midwest Region.

COMMENT #1: A comment was received from the St. Louis-Jefferson Solid Waste Management District indicating that subsections (1)(E) and (L) are not needed since there are no longer administrative grants and the required local match. These should be deleted, as well as the reference to match in subsection (1)(G).
RESPONSE: The department appreciates the district's comments. The proposed amendment is intended to clarify all sources of funds that must be managed in accordance with the rule. District administrative grants of twenty thousand dollars ($20,000) were disbursed to each district from 1993 to 2004. By law, these grants required a one to three (1:3) match from each district. With the rescission of 10 CSR 80-9.010, the department believes it is important to continue to monitor any further expenditure of these funds. No change will be made to the rule as a result of this comment.

COMMENT #2: A comment was received from the St. Louis-Jefferson Solid Waste Management District regarding subsection (1)(M) of the proposed amendment, indicating that few districts, if any, utilize purchase orders. Please replace with "district funds that have not been obligated by the district Executive Board." The executive board is the body to encumber funds for district purposes.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment that the executive board should be referenced and supports changing the procedures to be more flexible. The department will amend the rule as a result of this comment.

Due to the common focus of the following four (4) comments, one (1) response that addresses these comments can be found at the end of these four (4) comments.
COMMENT #3: A comment was received by the Solid Waste Advisory Board and endorsed by six (6) districts, the Earth Ways Center, Jean Ponzi, the Missouri Recycling Association and the city

of Independence regarding paragraph (2)(B)5. They feel that this addition is ambiguous and unnecessary. The phrases "clearly demonstrates" and "significant improvement" are open to interpretation. Since the passage of Senate Bill 530 in 1990, this has been an issue in one (1) isolated incident, which occurred over ten (10) years ago. It may cause confusion to prospective grant applicants and also to district executive boards when they are evaluating applications.

COMMENT #4: A comment was received from the St. Louis-Jefferson Solid Waste Management District indicating that the wording "duplicates or" should be deleted in paragraph (2)(B)5. of the proposed amendment. In metropolitan regions, we are trying to expand service coverage, which duplicates services for other parts of the region without displacing service providers. Duplicating services is not a problem, as opposed to displacing. There is still a strong need to "duplicate" services in areas with no service or underserved areas.

COMMENT #5: The National Solid Wastes Management Association Midwest Region commented that they strongly support the proposed language.

COMMENT #6: The Genesis Group of Missouri commented that the 1998 Missouri House of Representatives Interim Committee on Solid Waste and Recycling heard concerns that grants could be used as public subsidies and create unfair competition from three (3) entities. In their report, the committee states that the issue of providing a subsidy to a public entity that empties with private enterprise is a legitimate concern. In July 2004, the Missouri General Assembly Joint Committee on Solid Waste Tipping Fee Distribution included in their report findings that the potential for grants to subsidize competition with private industry is a particular concern.

RESPONSE AND EXPLANATION OF CHANGE: The department understands the concerns expressed by the Solid Waste Advisory Board and several supporting comments, as well as those of the National Solid Wastes Management Association Midwest Region and Genesis Group of Missouri. As indicated by the comment submitted by the Genesis Group of Missouri, several entities in the private sector have expressed their concern that grants could create an unfair competitive edge for one business over another, or a public entity vs. a private entity. This is also a concern of those interested in the wise use of grant funds—if the service already exists, the funds should be used for needs that have not been met. The comment regarding the term "duplicates" has merit. Additionally, the department agrees that the terms "clearly" and "significant" could cause problems in interpretation. The department has amended the proposed language to reflect these comments.

Due to the common focus of the following (3) comments, one (1) response that addresses these comments can be found at the end of these (3) comments.

COMMENT #7: A comment was submitted by the Solid Waste Advisory Board and supported by comments from five (5) solid waste management districts, the Earth Ways Center, Jean Ponzi, Missouri Recycling Association and the city of Independence regarding paragraph (2)(B)6. of the proposed amendment. There are rural areas of the state that do not have the ability to provide their residents with trash collection services. Grant funds provide an opportunity for these rural residents to have appropriate trash disposal services. Illegal dumping, unnecessary burning, etc., are decreased with the ability to use grant funds in this manner; sometimes funds are used on a continuous basis, such as for area and city wide cleanups, especially around the state lakes.

COMMENT #8: The St. Louis-Jefferson Solid Waste Management District commented that paragraph (2)(B)6. of the proposed rule appears to exceed DNR statutory authority by limiting powers granted to districts in section 260.310, RSMo. This may be an important issue and need in certain areas of the state.

COMMENT #9: The National Solid Wastes Management Association Midwest Region commented that they strongly support this section of the proposed amendment.

RESPONSE: The department understands the comments that express concerns about this section of the proposed amendment and agrees that in some areas the lack of convenient disposal options for solid waste can result in illegal dumping. The rule amendment specifically refers to continuous, meaning without interruption, services for solid waste collection. The department chose this wording in order to allow the funding of annual cleanups and similar periodic trash collections with district funds. For permanent, on-going solid waste collection services, funding should rely on user fees or alternative funding mechanisms chosen by the local government or service provider rather than district grant funds. The department also appreciates the comments in support of the proposed wording. By allowing periodic collections, the rule enables districts to use grant funds for projects that help prevent illegal dumping and open burning. The proposed amendment does not prohibit solid waste management districts from exercising their authority to own or operate solid waste disposal operations using other funding sources. The department has not amended the proposed language in response to this comment.

COMMENT: #10 A comment was received from the St. Louis-Jefferson Solid Waste Management District requesting that paragraph (2)(C)1. of the proposed amendment be changed from "may be allocated" to "shall be allocated" to reflect the statutory aspect of the allocation, as opposed to merely discretionary.

RESPONSE AND EXPLANATION OF CHANGE: The wording referenced in this comment has been in the rule since its original filing. However, the department believes that changing this wording is appropriate. The department has amended the proposed language to reflect this comment.

COMMENT #11: The St. Louis-Jefferson Solid Waste Management District commented that paragraph (2)(C)2. should include the wording "The financial assistance agreement shall not contain general terms or special terms that are more restrictive than the provisions in statute or rule" to insure that terms and conditions in the agreements do not take the place of the legislative or rulemaking processes.

RESPONSE: The department establishes terms and conditions to address specific procedures in grant management that must be followed by entities who receive state funds, including issues such as copyrights, contracting with minority firms, program income and use of recycled-content paper. These become part of the contract or financial assistance agreement between the department and the solid waste management districts. This is standard practice for grants provided by federal, state and other entities that administer grant funds. The department believes that the terms and conditions for district grants have been instructive rather than restrictive, providing the detail needed to insure that financial assistance agreements are in compliance with applicable laws and regulations. The department has not amended the proposed language in response to this comment.

COMMENT #12: The St. Louis-Jefferson Solid Waste Management District commented that paragraph (2)(C)2. should include a requirement that financial assistance agreements be delivered to districts by the department at the beginning of the fiscal year, so that districts may begin program activities immediately. They also ask that a sentence be added that once the financial assistance agreement has been signed, the department shall transfer funds to the district within thirty (30) days. This will allow districts that are in compliance to earn as much interest on their funds as possible while administering their programs in accordance with the agreed-upon procedures. With the overall major loss of funds from SB 225 in 2005, as well as the cap on the funds, interest is an important revenue source to the districts. The districts and the department can sign the financial assistance agreement at the start of the fiscal year, transfer allocations quarterly, and let the districts administer their programs according to the regulations. Districts out of compliance can have funds withheld until any issues are resolved.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that it is in the best interest of both the districts and the department to transfer funds to the districts as quickly as possible, at the same time maintaining the oversight needed to insure that funds are spent appropriately. The department also believes that districts should endeavor to use their funds for plan implementation or subgrantee projects in a timely manner rather than hold funds in order to accumulate interest income. Starting with the 2006 fiscal year, the department adopted procedures for establishing financial assistance agreements at the start of the fiscal year and transferring allocations quarterly when districts are in compliance with the regulatory requirements for district grants. To ensure that this process becomes standard procedure, this section of the rule and section (8) will be amended.

COMMENT #13: A comment was received from the St. Louis-Jefferson Solid Waste Management District asking that the wording in paragraph (2)(C)3. of the proposed amendment be changed from "the reported tonnages" to the "audited tonnages" to reflect the state auditors concerns to make sure that all fees due to the fund are being paid into the fund. A landfill in the St. Louis region was found to be significantly underpaying into the fund.
RESPONSE: The department regularly responds to requests for information on the tonnages of solid waste received by landfills in Missouri or received by Missouri transfer stations and subsequently hauled across state lines for disposal. Based on interest from the rule revision workgroup, the department added the wording that districts may request this information to the amended rule. To change this to "audited tonnages" means that an audit of each facility would need to occur prior to providing this information to a district. This would cause a significant delay in providing the requested information. The department has not amended the proposed language in response to this comment.

COMMENT #14: A comment was received from the St. Louis-Jefferson Solid Waste Management District asking that paragraph (2)(C)5. continue to refer to twenty-four (24) months from the end of the fiscal year from which the funds were allocated, as opposed to twenty-four (24) months from an allocation notice. Most districts do an annual grant cycle on a fiscal year basis once they know their total amount for the year. Tying time periods to quarterly notifications results in different time periods for different portions of a fiscal year's funds, which becomes potentially problematic from an administrative standpoint.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees that the proposed revision could make tracking of a district's funds more complicated. The department has amended the proposed language to reflect this comment.

Due to the common focus of the following seven (7) comments, one (1) response that addresses these comments can be found at the end of these seven (7) comments.
COMMENT #15: A comment was received from the Solid Waste Advisory Board (SWAB) and endorsed by comments received from comments submitted by four (4) districts, the Earth Ways Center, the Missouri Recycling Association, Jean Ponzi and the city of Independence regarding paragraph (2)(C)6., which limits the amount of funds for district operations that may be held in reserve at the end of the fiscal year. The comment states that the 2006 State Auditor's Report demonstrates the need for some policy on how much can be held in reserves, but the SWAB feels that twenty-five percent (25%) or twenty thousand dollars ($20,000) is too low and would put districts at risk if the district coordinator (typically the only staff person in most districts) had to take an extended leave, or if a district had significant unforeseen expenses. The SWAB states that there is no standard issued by the Government Accounting Standards Board for how much should be held in reserves: more than two (2) years is generally considered excessive, but the twenty-five percent (25%) or twenty thousand dollars ($20,000) limit would be considered very restrictive. They do appreciate the fact that the department will use the district's fiscal year as the basis for this requirement. Their recommendation is to set the limit at twenty-five percent (25%) of the average of the total district operations/plan implementation requests of the past two (2) years or forty thousand dollars ($40,000), whichever is more, or set the limit at fifty percent (50%) of the district operations requests for the last two (2) years or forty thousand dollars ($40,000), whichever is more.
COMMENT #16: The St. Louis County Municipal League commented that they recommend an unspent district fund cap of fifty percent (50%). They believe that this is a more common threshold and allows some room for special circumstances.
COMMENT #17: The Mid-America Regional Council Solid Waste Management District commented that they believe the districts should have the flexibility to establish a reserve limit within a range of twenty-five to one hundred percent (25–100%) based on current trends and financial needs with approval from the department. A district's limit should not be tied to the department's limit of twenty-five percent (25%). They believe that fluctuations in annual revenues have a greater impact at the district level than at the department's level since the state's portion is based on revenues collected in all districts, not just one.
COMMENT #18: A comment was received from the Mid-Missouri Solid Waste Management District regarding the limit on district operations reserves set by the proposed amendment paragraph (2)(C)6. The district recommends that the maximum be set at twenty-five percent (25%) of the average of the combined approved district operations and plan implementation grants from the current fiscal year and the previous fiscal year. It is more reasonable and more consistent with the limit set by Senate Bill 225 limiting the department's reserves to twenty-five percent (25%) of their annual allocation from tonnage fees paid into the Solid Waste Management Fund. The Mid-Missouri Solid Waste Management District's current policy is to hold between twenty-five percent (25%) and thirty-three percent (33%) of the average of the three (3) previous years' total plan implementation and district operations expenditures.
COMMENT #19: Solid Waste District "O" commented that the limit on district operations reserves set by the proposed amendment paragraph (2)(C)6. is too low and should be increased.
COMMENT #20: A comment was received from the St. Louis-Jefferson Solid Waste Management District requesting the proposed paragraph (2)(C)6. be changed from "twenty-five percent (25%)" to "fifty percent (50%)" for a more appropriate level of reserves. Twenty-five percent (25%) is not an adequate amount for the unique circumstances of districts, even though that was the legislatively set level for the department. That reserve amount is different in that the department already has the money, so there is no issue as to whether they can pay their bills and payroll. The department also has other resources that could be made available, such as general revenue. Districts only have their district funds. Delays are problematic, and as an example our district did not receive our operating funds for 2007 until after one-fourth (1/4) of the fiscal year had expired. The United Way suggests up to three-fourths (3/4) of a year's expenses is more appropriate for a reserve, and the Better Business Bureau recommends no more than three (3) years. Given the unique circumstances and the significant differences between the districts and the department, fifty percent (50%) of a year's expenses is appropriate.

The district also requests two (2) additional changes to the proposed paragraph (2)(C)6. Please delete "unspent and" so that only unencumbered funds are affected, not funds that may be under contract. Finally, please add "plan implementation projects or" before "projects other than district operations" in the last sentence to clarify that those funds could be used for either grants or projects.

COMMENT #21: The National Solid Wastes Management Association Midwest Region commented that they strongly support the proposed language.

RESPONSE AND EXPLANATION OF CHANGE: The department added this rule amendment based on the recommendation of the 2006 State Auditor's Report that the department adopt regulations limiting the amount of administrative and interest funds accumulated by districts. The department agrees with this recommendation because the accumulation of large fund balances prevents the funds from being used for projects aimed at reducing waste and improving solid waste management practices. The auditor's report referenced the limit on the amount of operating funds that the department's Solid Waste Management Program can accumulate, up to twenty-five percent (25%) of the previous fiscal year's expenses, as a guide in setting this cap.

Taking the districts' concerns into consideration, the department believes that raising the minimum level of operational funds that may be held in reserve is justified. Several districts receive the minimum annual allocation of ninety-five thousand dollars ($95,000), which provides up to forty-seven thousand five hundred dollars ($47,500) for district operations and plan implementation expenditures. If the district uses all of these funds for operations, the maximum reserve amount would be twenty-five percent (25%) or eleven thousand eight hundred and seventy-five dollars ($11,875). Raising the minimum amount of funds that can be held in reserve for district operations to fifty thousand dollars ($50,000) would benefit the majority of districts. A district that spends more than two hundred thousand dollars ($200,000) annually on district operations would still be capped at the twenty-five percent (25%) level, preventing the accumulation of large fund balances for district operations. The department has amended the proposed language in response to these comments, raising the limit on district operations reserves to twenty-five percent (25%) or fifty thousand dollars ($50,000), whichever is greater.

Regarding the additional comments by the St. Louis-Jefferson Solid Waste Management District, the department agrees that limiting the holding of "unspent" funds could affect the district's ability to pay bills that are pending at the end of the fiscal year. Although the reference to "projects other than district operations" does include both plan implementation and subgrantee projects, adding the wording suggested by the district will further clarify this section. The department has amended the proposed language to reflect this comment.

Note: Regarding the comment in Comment #20 stating ". . . the department already has the money, so there is no issue as to whether they can pay their bills and payroll. The department also has other resources that could be made available, such as general revenue" the department would like to provide some clarification. Funds from any source must be appropriated by the General Assembly and approved by the governor each fiscal year in order for the department to access and spend the funds. It is also important to note that the department's Solid Waste Management Program has not received any general revenue for the last six (6) fiscal years.

COMMENT #22: A comment was received from the St. Louis-Jefferson Solid Waste Management District stating that in paragraph (2)(C)7. of the proposed rule it would be better to address carryover and interest separately. Carryover threshold amounts should also tie-back into the district reserve amount referenced in paragraph (2)(C)6.

RESPONSE: As discussed in the department's response to comments regarding paragraph (2)(C)6. the proposed amendment is intended to limit the amount of administrative and interest funds accumulated by the districts. Paragraph (2)(C)6. of the proposed amendment applies to district operations funds only. The department believes that funds that have been carried forward from previous allocations and interest income earned by the districts should be used as soon as practical for plan implementation or subgrantee projects rather than held in district accounts. To accommodate those unforeseen situations in which funds are needed to cover plan implementation or subgrantee project costs, paragraph (2)(C)7. of the proposed amendment provides for a reserve of twenty thousand dollars ($20,000). With funds available quarterly, the department does not believe that this requirement puts a district in danger of not being able to meet their financial obligations. The department has not amended the proposed language in response to this comment.

Due to the common focus of the following three (3) comments, one (1) response that addresses these comments can be found at the end of these three (3) comments.

COMMENT #23: A comment was submitted by the Solid Waste Advisory Board and endorsed by comments submitted by four (4) districts, the Earth Ways Center, Jean Ponzi, the Missouri Recycling Association and the city of Independence regarding paragraph (2)(C)8. of the proposed amendment. Upon project approval, the department proposes to retain control and interest earning capacity of funds that have been approved for use at the district level. For minimum funded districts, this is a substantial loss of earning capacity. These funds are meant to serve the districts, and this rule takes away from the impact that Missouri's Solid Waste Fund could have at the local level. If a district elects to fund a project for which more than one (1) fiscal year's allocation is necessary, then it follows that that district should get the benefit of the interest and not the department or the other districts.

COMMENT #24: A comment was received from the St. Louis-Jefferson Solid Waste Management District asking that the wording in paragraph (2)(C)8. of the proposed amendment be changed from "set aside" to "encumbered" as the appropriate official action to reserve those funds. Also, please change the provision to release the funds as soon as the project is approved. Multi-year and bigger projects should be encouraged, not discouraged. The department keeping the funds would cost the district seeking to implement long-term or larger projects thousands of dollars of lost interest revenue. The department should strive to get funds to the districts as quickly as possible, and not unnecessarily punish the districts for thinking bigger and longer term.

COMMENT #25: Solid Waste District "O" commented that they support the proposed amendment as drafted.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that district grant funds were created to help build the state's recycling infrastructure and address other solid waste issues and supports the use of interest income to help achieve these goals. The department added this paragraph to the rule to support district's efforts to fund larger projects that require an accumulation of funds from several fiscal years. To help reach the amount of funds needed for the project, the department supports the transfer of funds to the districts earlier, so long as all interest earned on these or other funds held by the district are dedicated to the proposed project. This will enable the district to accumulate the needed funds quicker, thereby facilitating project implementation. The department has amended the proposed amendment in response to these comments.

COMMENT #26: The St. Louis-Jefferson Solid Waste Management District commented that paragraph (2)(C)9. should reference "waste reduction and recycling activities and projects" as opposed to "solid waste management activities and projects." More importantly, the statutory intent was for approval at the local level for projects and activities. Replacing local approval with sole department approval undermines the statutory authority given districts by the legislature. Please change "as approved by the department" to "as approved by the district executive board." At a minimum, districts must be included. Statutory authority was given to the districts at the local level for these decisions, not to the department at a centralized state level. No one has a problem with departmental oversight, but oversight does not equal control, and this provision shifts all authority from the local level to the state level. That was not the legislative intent.

RESPONSE AND EXPLANATION OF CHANGE: The department intended for the wording "solid waste management activities and projects" to encompass a range of activities that are part of the integrated solid waste management plan required by section 260.325, RSMo. The district funds made available by section 260.335.2(2), RSMo, shall be expended by districts pursuant to their plans.

Although waste reduction and recycling activities and projects were a primary focus of the legislation that created the solid waste management districts and the Solid Waste Management Fund, other important needs include public education, preventing illegal dumping and management options for used oil and other materials that are banned from Missouri landfills.

Regarding the phrase "as approved by the department," the department added this wording to refer back to section 260.335.2(2), RSMo. Findings in the 2006 State Auditor's Report indicated that some districts expended state funds for questioned or inappropriate costs that were not approved by the department. The amended rule includes the process for district executive boards to set priorities and approve operational budgets, plan implementation projects and subgrantee projects. Paragraph (2)(C)9. does not relieve the district executive boards of their duty or diminish their authority to approve district expenditures.

Based on the district's comment, the department will clarify this section of the rule by amending the proposed amendment to include the types of activities listed in section 260.335.2(2), RSMo, and to add the reference to district executive board approval.

Due to the common focus of the following two (2) comments, one (1) response that addresses these comments can be found at the end of these two (2) comments.

COMMENT #27: A comment was received from the St. Louis-Jefferson Solid Waste Management District indicating that subparagraph (2)(D)1.K. which limits the use of district grant funds for professional services violates the statutory authority given districts in sections 260.310.3 and 260.320.2, RSMo. Please change this to "Professional services." to eliminate the statutory conflict.

COMMENT #28: The South Central Solid Waste Management District commented that there are other professional services that the district may need to employ, e.g. auditors or truck drivers.

RESPONSE AND EXPLANATION OF CHANGE: While the department does not agree that this section of the rule prevents districts from exercising the authorities granted in sections 260.310.3 and 260.320.2, RSMo, the recommendation to broaden this paragraph to include a range of professional services does have merit. The department has amended the proposed language to reflect this comment.

Due to the common focus of the following seven (7) comments, one (1) response that addresses these comments can be found at the end of these seven (7) comments.

COMMENT #29: A comment was submitted by the Solid Waste Advisory Board and endorsed by comments received from six (6) districts, the Earth Ways Center, the Missouri Recycling Association, Jean Ponzi and the city of Independence regarding subparagraph (2)(D)2.D. of the proposed amendment. Districts are statutorily created political subdivisions, and, while the department may have oversight responsibility, prohibiting the districts from seeking legal assistance does not fall under their purview. In carrying out grant administration duties, it may be necessary to hire legal counsel to deal with a grantee who has misspent or mismanaged district funds. It has been the understanding that legal costs were eligible costs for subgrantees if the costs were in direct relation to the successful outcome of a project. Litigation by a subgrantee was not eligible. This should remain as is.

COMMENT #30: A comment was received from the Mid-Missouri Solid Waste Management District regarding subparagraph (2)(D)2.D. recommending that the prohibition against use of district grant funds for legal costs should be limited to preventing districts in pursuing actions against the department. Preventing districts from obtaining legal advice or defense is not a wise policy. A district might have to use funds to pursue corrective action against a city, county or private entity that might misuse grant funds. The proposed amendment would require districts to raise funds from their member cities and counties, or abandon their responsibility to manage the grants.

COMMENT #31: A comment was received from the Ozark Rivers Solid Waste Management District Board regarding subparagraph (2)(D)2.D. which prohibits the use of district funds for legal costs beyond review of contracts. If there are state agencies that are concerned about legal action being taken against them, that should be what is addressed in the rule rather than a blanket prohibition. The district feels that, in the course of administering grants, it may be necessary for a district to secure an attorney in order to recoup funds that are misused or to take possession of equipment that has been purchased with grant funds, and the proposed amendment would severely limit the district's ability to do that and safeguard district grant funds.

COMMENT #32: The St. Louis County Municipal League commented that the proposed amendment prohibiting legal costs should be reconsidered. Districts should be able to retain legal counsel for direct grant related expenses.

COMMENT #33: A comment was received from the St. Louis-Jefferson Solid Waste Management District indicating that subparagraph (2)(D)2.D. of the proposed amendment should be changed to "legal costs as necessary for project completion and district operations." and included as an eligible cost in paragraph (2)(D)1. This exceeds statutory authority granted to districts in sections 260.310.3 and 260.320.2, RSMo.

COMMENT #34: The National Solid Wastes Management Association Midwest Region submitted a comment strongly supporting this section of the proposed amendment.

COMMENT #35: The Genesis Group of Missouri commented that when solid waste management districts were originally formed, the local jurisdictions had a responsibility to make a financial contribution to them. Tonnage fees were intended to aid in waste reduction, resource recovery and pursuit of proper solid waste management. Not until the past few years has it been interpreted that the tonnage fees should be the only funding mechanism for all district activities.

RESPONSE AND EXPLANATION OF CHANGE: Prior to this rule revision, legal costs were not eligible costs for subgrantees. The comment from the Solid Waste Advisory Board stating that these costs were allowed under prior versions of this rule is incorrect. The department agrees with the comment that tonnage fees were not intended to be the only source of funding or support for the district. Districts are made up of cities and counties, who could and should contribute financially or in-kind to the operation of the district or to implement district-wide initiatives. The district administration grants that were created by the original legislation stipulated that districts could receive twenty thousand dollars ($20,000) annually only if the cities and counties provided a one to three (1:3) match in funds or in-kind contributions. The department believes that cities and counties should continue to contribute resources, monetary or in-kind, to the operation of the district. While this could include contributing the use of city or county legal staff, the department can support the use of district operations funds for legal costs associated with managing their subgrants. The department will amend the proposed rule, adding legal costs necessary for administration of grants as an eligible cost to section (3) and amending paragraph (2)(D)2.D.

COMMENT #36: A comment was received from the St. Louis-Jefferson Solid Waste Management District indicating that subparagraph (2)(D)2.F. of the proposed amendment, which declares the purchase of land as an ineligible cost, needs to be reevaluated. This can be a key part of helping a waste reduction and recycling project become sustainable. Also, a district may want to purchase an office space, instead of renting. There appears to be no reason to exclude land acquisition as an eligible cost, and we recommend its elimination as an ineligible cost. The district also commented that purchasing office space and the land it occupies should be allowable under paragraph (3)(A)3. of the proposed amendment.

RESPONSE: The department believes that allowing the purchase of land for subgrantees could create a number of legal problems for the districts and the department. Issues include how to determine the

value of the property to comply with competitive bid requirements, how the property would be managed if the project fails, and the environmental and civil liabilities associated with property ownership. This also could exacerbate the "unfair competition" issue. If land is purchased for a subgrantee, that creates a permanent economic advantage for that entity over competing entities when compared with the purchase of equipment or short term funding of salaries. Regarding the comment on helping projects become sustainable, it is important to emphasize that grants should not be subsidies, but rather give short term assistance with getting a project off the ground. Each grantee should make an investment in the project as well and land acquisition is one way for them to do that.

Regarding the use of district funds to purchase land for the district, there could be similar legal problems for the district or department. The department believes that as a regional grouping of cities and counties, a solid waste management district can use land or office space contributed by its members. District grant funds should be used to help expand the resource recovery infrastructure and address other critical solid waste problems. The department has not amended the proposed language in response to this comment.

COMMENT #37: A comment was received from the St. Louis-Jefferson Solid Waste Management District indicating that in regard to subparagraph (2)(D)2.I. of the proposed amendment, it should be clarified that administrative penalties and withholdings based on audits or other administrative penalties incurred by the district would be deducted. Perhaps a reference to that section would be an appropriate addition here to clarify that issue, if the department feels there is a need to clarify.
RESPONSE: The department does not believe that any clarification is needed. Section (9) of the proposed rule provides adequate detail on the process for withholding district funds when necessary. This paragraph of the rule refers primarily to fines or penalties assessed outside the scope of district grant management. The department has not amended the proposed language in response to this comment.

COMMENT #38: A comment was received from the St. Louis-Jefferson Solid Waste Management District indicating that subparagraph (2)(D)2.M. of the proposed amendment which lists lobbyists as an ineligible cost violates the statutory authority given to districts by the legislature in sections 260.310.3 and 260.320.2, RSMo. Please delete this provision to eliminate the statutory conflict. Finally, this provision references "lobbyists" instead of "lobbying." Many registered lobbyists are also able to provide other services as well.
RESPONSE: The department does not agree that this subparagraph or other limits in the proposed amendment on allowable costs for district grant funds prevents districts from exercising the authorities granted to them by law. This restriction applies specifically to the use of district grant funds made possible through the payment of tonnage fees by individuals, businesses and other entities that generate solid waste. The use of district grant funds (including interest and any remaining local funds that were used to match state funds) for lobbying expenses is not in keeping with the statutory purpose for which the funds are authorized. The department has not amended the proposed rule language in response to this comment.

Due to the common focus of the following three (3) comments, one (1) response that addresses these comments can be found at the end of these three (3) comments.
COMMENT #39: A comment was submitted by the Solid Waste Advisory Board and endorsed by comments received from four (4) districts, the Earth Ways Center, the Missouri Recycling Association, Jean Ponzi and the city of Independence regarding sections (3) and (4) of the proposed amendment. The separation of plan implementation and district operations into separate grant applications adds an additional regulatory burden, additional paperwork for some districts, and additional work for department staff who are already stretched too thin. It makes use of funds much less flexible and requires additional applications, application reviews and reports. In conversations and in public meetings with department staff, the reason cited is to track administrative functions separately. Our recommendations are that the department keep the rule flexible and allow districts to report either separately or combined. If the department feels there is still a need to distinguish between administrative functions and all other activities, then the district operation funds should be set up more like the old district administration grant: a district would submit an annual budget, identify those line items to be funded by the district operation funds, and then complete the abbreviated district operation quarterly reports. Any data on administrative costs should be easily extracted from the annual audit and from the grant budget and expenses as well.
COMMENT #40: A comment was received from the Mid-Missouri Solid Waste Management District regarding sections (3) and (4) of the rule amendment. The district recommends that the rule be more flexible and allow districts to request funds and make reports, either separately or combined. The district's opinion is that the proposed rule revisions add an additional regulatory burden, additional paperwork for some districts, and additional work for department staff who are already stretched too thin. This rule change would make our budget much less flexible.
COMMENT #41: Solid Waste District "O" commented that they support separate tracking of district operations and plan implementation funds in the proposed amendment.
RESPONSE: The department does not feel that the requirement for tracking operational costs separate from those of plan implementation projects is unreasonable. From 1992 to 2004, districts received an annual district planning/organizational grant, commonly referred to as the district administration grant, that required separate management from the district grants covered by this rule. The annual district administrative grant was removed in 2004 and the law was amended to allow a portion of the district grants covered by this rule to be used for operational costs. In order to implement the recommendation of the 2006 State Auditor's Report discussed in the department's response to comments on paragraph (2)(C)6., the department proposed new sections (3) and (4) for district operations and plan implementation. This allows both the districts and the department to clearly track operational costs in order to maintain the limit on annual operational reserves outlined in paragraph (2)(C)6. of the proposed amendment.

The Solid Waste Advisory Board and other entities recommend that district operations funds be managed in the same way as the district administration grants received from 1992 to 2004, pursuant to 10 CSR 80-9.010. The district administration grants allowed a maximum of twenty thousand dollars ($20,000) per year and required matching funds or in-kind match from the counties and cities in the district of at least six thousand six hundred and sixty-six dollars ($6,666). In this rule, district operations and plan implementation funds may be as much as fifty percent (50%) of a district's annual allocation. For fiscal year 2006, this amount ranged from forty-seven thousand five hundred dollars ($47,500) to $1,184,980. The department believes that these new sections are needed to help clarify the allowable costs for each and to provide adequate detail in the applications for each. The department appreciates the commenters' concern that department staff would have additional work in reviewing separate applications and reports. However, the department has a different perspective. By adhering to the requirements in the proposed amendment, the districts will reduce the workload on department staff. Without the inclusion of these requirements, department staff must extract this information for each of the twenty (20) districts in order to carry out its oversight responsibilities. The department has not amended the proposed language in response to these comments.

COMMENT #42: A comment was received from the St. Louis-Jefferson Solid Waste Management District asking for two (2)

changes to subsection (3)(A) of the proposed rule. The first request is for the wording to be changed to read "The department shall allocate" instead of "The districts shall request." This is not a discretionary allocation by the department, it is the statutory allotment that a district has available to it under the law. The second request is to add "as determined by the district executive board" after "efficient performance and administration of the district." Districts have the statutory authority to draw on their funds for operating costs as approved by the executive board. Executive boards have the authority under section 260.320.2, RSMo, to determine what is reasonable and appropriate.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the district's first request. The department has amended the proposed language to reflect this comment.

Regarding the second request, the department has the responsibility to provide oversight and monitoring of the expenditure of state funds by the districts. With input from a rule revision work group and recommendations from the state auditor, this section on eligible and ineligible costs for district operations was added to the rule. The department believes that the wording suggested by the St. Louis-Jefferson Solid Waste Management District could cause confusion as to which costs are eligible for district operations. The district executive board has input through the development and approval of the district's operations budget, as indicated in subsection (3)(B) of the proposed amendment. The department has not amended the proposed language in response to the second request of this comment.

COMMENT #43: A comment was received from the St. Louis-Jefferson Solid Waste Management District asking that the limit on the allowable costs for office decorations in paragraph (3)(A)4. be raised. Office decorations may total more than five hundred dollars ($500) for a new office, if there was a fire or flood, a new district was formed, etc. Adding an approved by the executive board and department clause would address a possible unintended consequence.

RESPONSE: The department does not agree that office decorations are critical to the efforts of solid waste management districts to expand the recycling infrastructure and otherwise improve solid waste management practices in Missouri. With input from the rule revision workgroup, the amount of five hundred dollars ($500) for office decorations on an annual basis was added to the rule to help districts provide a comfortable and pleasing work environment. Office decorations include items such as artwork; paragraph (3)(A)4. does not apply to purchases that are necessary for a functional office, such as furniture and window coverings that are reasonable in cost. The department has not amended the proposed language in response to this comment.

COMMENT #44: A comment was received from the St. Louis-Jefferson Solid Waste Management District indicating that under paragraph (3)(A)8. of the proposed rule professional services should be listed as eligible costs to not interfere with the statutory authority given to districts in sections 260.310.3 and 260.320.2, RSMo. Please add "professional and other contracted services as approved by the district executive board." as a new paragraph or incorporated into paragraph (3)(A)8.

RESPONSE: A similar comment was submitted by the St. Louis-Jefferson Solid Waste Management District in regard to subparagraph (2)(D)1.K., which will be amended as indicated. Amending subparagraph (2)(D)1.K. of the proposed amendment eliminates the need to amend this paragraph of the rule because subparagraph (2)(D)1.K. applies to district operations, plan implementation projects and subgrantee projects. The department has not amended the proposed language in response to this comment.

COMMENT #45: A comment was received from the St. Louis-Jefferson Solid Waste Management District requesting that three (3) items be included in the proposed rule, either as new paragraphs under subsection (3)(B), or incorporated into the existing provisions of this section. The first request is to add a provision that says "The department shall transmit operations funds to the district submitting the request within thirty days of the receipt of the request." Districts have legal obligations and bills to pay. The department should not be able to put a district out of business deliberately or inadvertently by virtue of not transferring operating funds. The second request is to add another sentence that states that if there are any questions to be resolved, that the transfer of the rest of the funds shall not be delayed by discussions regarding any items in question. The final modification that is requested is to insert a provision to enable districts to make supplemental draws on their administrative funds as circumstances dictate. For example, if our district executive board decided that an additional position was needed to comply with increased project reporting requirements, we need a mechanism to request the appropriate administrative funds for that position.

RESPONSE AND EXPLANATION OF CHANGE: In regard to the first request, this comment is similar to the comment submitted by the St. Louis-Jefferson Solid Waste Management District regarding paragraph (2)(C)2. of the proposed amendment. As discussed in response to that comment, the department adopted procedures in fiscal year 2006 for establishing financial assistance agreements at the start of the fiscal year and transferring allocations quarterly when districts are in compliance with the regulatory requirements for district grants. To address the request that operations funds be distributed within thirty (30) days of the receipt of the request, section (8) will be amended as indicated and subsection (3)(B) will not be amended.

The department supports the second request to include the provision that when specific costs included in the district operations request for funds are questioned, the funds for costs not in question will be transferred to the district. Section (8) of the rule will also be amended in response to this comment.

The department supports the third request, specifying that districts may make supplemental draws on district operations funds, when the district has funds allocated to them that they have not previously requested. Any request for district operations funds must adhere to the requirements in this section of the rule. The rule will be amended in response to this comment.

COMMENT #46: A comment was received from the St. Louis-Jefferson Solid Waste Management District indicating that paragraph (4)(A)2. of the proposed rule should be modified to accommodate the use of requests for proposals (RFPs), as is standard practice of local governments seeking professional services. Limiting to competitive bids is overly restrictive and is not always an appropriate approach for a particular project.

RESPONSE: The department added a definition for competitive bid process to the rule that references procedures outlined in 1 CSR 40. These procedures include the use of requests for proposals (RFPs). The department has not amended the proposed language in response to this comment.

COMMENT #47: A comment was received from the St. Louis-Jefferson Solid Waste Management District asking that the reference to the solid waste management plan component in paragraphs (4)(C)1. and 9. be amended to include the words "if applicable."

RESPONSE AND EXPLANATION OF CHANGE: The district funds made available by section 260.335.2(2), RSMo, shall be expended by districts pursuant to a solid waste management plan required under section 260.325, RSMo. The department believes that the reference to the district's plan contained in paragraph (4)(C)1. of the rule helps to insure that these funds are spent wisely while helping to attain goals and objectives identified by local governments that make up the district. The department has not amended the proposed language in response to the comment regarding paragraph (4)(C)1.

The department agrees with the comment regarding paragraph (4)(C)9. and amends the rule accordingly.

COMMENT #48: A comment was received from the St. Louis-Jefferson Solid Waste Management District requesting that the wording "or will be applied for" be inserted after "or applied for" in paragraph (4)(C)6. of the proposed amendment. Application costs should not necessarily have to be borne for a project that may not be funded. Any permits and approvals would have to be obtained in the course of a project, usually as an initial step, but to force that cost before a project is approved is overly burdensome. Also, the meaning of "prior to an award" is unclear. Costs for securing approval can be a legitimate project expense, and prior to an award is unclear. Please delete the reference or clarify its intent. If it means that approvals must be obtained before funds are allocated, that could derail potentially good projects. If it means before funds are disbursed, that could also derail projects. Approvals, etc. would always need to be identified and secured as part of a project, but the time and expense can be significant and should be considered.
RESPONSE AND EXPLANATION OF CHANGE: The department understands the concerns expressed by the district. This wording was previously a part of the rule and only applied to subgrantees. The intent was to ensure that all necessary permits, including those issued by the department, were in place prior to the start of the activity. This section of the rule only applies to activities directly managed by district staff, who work closely with the department as well as the local governments who may have additional permit or license requirements. The department has amended the proposed language to reflect this comment.

COMMENT #49: A comment was received from the St. Louis-Jefferson Solid Waste Management District asking that paragraph (5)(B)1. and subparagraph (5)(B)10.A. be amended to include the words "if applicable" to these requirements.
RESPONSE AND EXPLANATION OF CHANGE: The district funds made available by section 260.335.2(2), RSMo, shall be expended by districts pursuant to a solid waste management plan required under section 260.325, RSMo. The department believes that the reference to the district's plan contained in paragraph (5)(B)1. of the rule helps to insure that these funds are spent wisely while helping to attain goals and objectives identified by local governments that make up the district. The department has not amended the proposed language in response to the comment regarding paragraph (5)(B)1.

The department believes that subparagraph (5)(B)10.A. can be interpreted to mean that these documents would only be required if they are applicable to the type of project proposed, but supports amending the rule for clarification. The department will amend subparagraph (5)(B)10.A. in response to the comment.

COMMENT #50: A comment was received from the St. Louis-Jefferson Solid Waste Management District requesting that subsection (5)(C) be reviewed as it relates to equipment projects and retaining of the final fifteen percent (15%) of an award. To reduce fund balances, the final fifteen percent (15%) should be released as soon as possible. Holding onto the fifteen percent (15%) for extended purposes on equipment grants is not needed when security agreements with reporting provisions are in place.
RESPONSE: The department considered the comment and believes that the proposed amendment to subsection (7)(D) addresses the district's concerns by allowing for the release of the fifteen percent (15%) retainage when appropriate, with the approval of the district executive board and the department. The department has not amended subsection (5)(C) of the proposed language in response to this comment.

COMMENT #51: A comment was received from the St. Louis-Jefferson Solid Waste Management District regarding part (6)(A)1.B.(I) of the proposed amendment. For administrative ease, please allow use of a calculated lump sum of carryover applied to projects, instead of tying carryover from multiple projects to a reallocation into a new project, which is administratively burdensome. The total amount of carryover available can be simply added in total and reapplied without having to sort back to the prior project.
RESPONSE: The department believes the procedure described in the comment is allowable by the proposed rule as written. Districts have been using these procedures for the last eight (8) quarters, starting with fiscal year 2006, and the procedure described by the comment is the standard used by other districts. The department has not amended the proposed language in response to this comment.

COMMENT #52: A comment was received from the St. Louis-Jefferson Solid Waste Management District asking that the word "subgrantee" in paragraph (6)(A)5. be changed to "subgrantee(s)" to reflect the potential for joint projects.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has amended the proposed language to reflect this comment.

COMMENT #53: A comment was received from the St. Louis-Jefferson Solid Waste Management District requesting that subsection (6)(C) of the proposed amendment be changed so the annual reports will tie into a district's fiscal year instead of the state fiscal year. It makes it easier for districts to coordinate their annual report with their audit process and other associated activities.
RESPONSE: The department used the state fiscal year as the basis for this report in order to provide statewide progress reports as part of the annual strategic planning and budgeting process. The ability to compile this information for the same time period for all districts enables the department to review the effectiveness of the district grants and provide meaningful information to decision makers. The department has not amended the proposed language in response to this comment.

COMMENT #54: The Earth Ways Center commented that their institution's system makes it a lengthy process to receive cancelled checks, making regular invoicing to the district difficult. They support any method of streamlining the financial reporting system that also avoids unnecessary paperwork.
RESPONSE: The department understands the concerns expressed by the commenter and agrees that the process used should be flexible and adapt with changing technologies. The wording in subsection (7)(B) of the rule states that "Accounting records must be supported by source documentation such as cancelled checks, paid bills, payrolls, time and attendance records, contract, and agreement award documents." The phrase "such as" provides the flexibility needed to adapt this process to currently available technology. Rather than amend the rule, the department believes it would be better to address this technicality in the terms and conditions that apply to the district's financial assistance agreement.

Due to the common focus of the following nine (9) comments, one (1) response that addresses these comments can be found at the end of these nine (9) comments.
COMMENT #55: A comment was submitted by the Solid Waste Advisory Board and endorsed by comments received from four (4) districts, the Missouri Recycling Association, and the city of Independence regarding subsection (7)(C) of the proposed amendment. Conflict of interest procedures have been adopted by districts to prevent undue influence of both governmental and non-governmental board members. Anyone with a pecuniary interest in a grant submission must excuse himself or herself from the review and approval process for that grant. Past audit findings did not preclude non-governmental members from receiving grant funds, only that the districts adopt conflict of interest procedures. The rule unfairly restricts the governing bodies of local governments to appoint representation and should be deleted.
COMMENT #56: The Ozark Rivers Solid Waste Management District Board commented that in regard to subsection (7)(C) of the

proposed amendment, our district already has a process in place to prevent such a conflict of interest. Any board member who has an interest in a grant application, whether they are an elected official or someone appointed by an elected official, must excuse himself or herself from the review and approval process for that grant. The proposed amendment limits who can be on the board and/or who can apply for district grants. We feel that the local elected officials should have the ability to appoint people to represent them on these boards without worrying about how those appointments will effect future grant funds for their jurisdiction or the representative's business. The district feels that they benefited from the expertise that industry people can provide by serving on the board and they do not want to lose that ability. They do not object to a rule requiring that every district adopt conflict of interest policies, including documenting that those policies are being followed.

COMMENT #57: A comment was received from the St. Louis-Jefferson Solid Waste Management District requesting that subsection (7)(C) of the proposed amendment be deleted. It appears to interfere with the ability of the chief elected officials to appoint executive board members, as well as interfere with the right of potential applicants to apply for funding. It does appear to be another instance of statutory exceedence. It will also most likely cause potentially good executive board members to decline to serve, which would be a loss to the districts and the state. There are already conflict of interest provisions in place, which provide a satisfactory safeguard. An alternative would be to expand the conflict of interest standard to include not voting for proposals that would be considered as competing proposals for similar programs. Another alternative would be to exclude those executive board members from ranking or voting on any proposals.

COMMENT #58: The Earth Ways Center commented that subsection (7)(C) of the proposed amendment is not needed. Our center has been a strong part of the local team in advancing solid waste reduction in the St. Louis-Jefferson Solid Waste Management District, including one of our staff who currently is an active and effective member of the district's executive board. If the proposed amendment is adopted, this staff will have to resign from the board for any division of the Missouri Botanical Garden to be eligible for district grants. There is a conflict of interest policy in place, which we totally support. The proposed amendment discriminates against non-governmental members, giving preference to governmental representatives to serve on these boards.

COMMENT #59: Jean Ponzi commented that subsection (7)(C) of the proposed amendment discriminates against for profit and nonprofit sectors. She states that she currently represents the City of St. Louis on the St. Louis-Jefferson Solid Waste Management District executive board. The proposed subsection bars knowledgeable, committed board service by these sectors. Sound conflict of interest policies are already in place in our district, as are processes to remediate any perceived or real conflict of interest action, should such occur.

COMMENT #60: The South Central Solid Waste Management District commented that subsection (7)(C) of the proposed amendment insults at-large members of the district executive board, who represent interests of the general public. It is not easy to find active board members. District conflict of interest policies are adequate.

COMMENT #61: The Mid-America Regional Council Solid Waste Management District commented that subsection (7)(C) of the proposed amendment unfairly restricts local governing bodies from appointing appropriate representation. A requirement for districts to adopt a conflict of interest policy should be included instead.

COMMENT #62: Solid Waste District "O" commented that they support this section of the rule as proposed.

COMMENT #63: The Genesis Group of Missouri commented that the foundation of Senate Bill 530, which created the solid waste management districts in 1990, was that local jurisdictions were to take a position on the forefront of solid waste management in Missouri. It was not the intent of the legislation to allow local elected officials to appoint individuals with vested financial interest to the district executive boards. The legislation created a provision for district advisory boards that would include industry, nonprofits, public sector and citizens. District executive board members should not be eligible to apply for grants, unless they are an elected official or duly authorized by local council resolution to serve in the place of the elected official. In which case they should only apply for grants if they recuse themselves from review and scoring of their own and any competing applications.

RESPONSE AND EXPLANATION OF CHANGE: The department believes that it was the intent of Senate Bill 530, the legislation that created the districts, for districts to be governed by members of the governing bodies of the cities and counties that make up the district, pursuant to section 260.315, RSMo. Section 260.320.5, RSMo, prohibits individuals with a financial interest in solid waste management regulated under sections 260.200 to 260.345, RSMo from serving on district executive boards, except if the individual's interest is only through the owning of stock. To the extent that the executive board feels that representatives of private or nonprofit entities bring valuable experience and knowledge to the table, it is within their prerogative to add these individuals to a district advisory committee. In fact, section 260.320.3(7), RSMo, requires the executive board to appoint an advisory committee that includes representatives of the solid waste industry. The department agrees that the districts should have control over the make-up of the executive board, as long as the requirements of the law are followed.

The department's primary interest in adding this provision to the rule was to ensure that any non-governmental entity that applies for grants does not have an unfair advantage over other applicants. Although the districts' policy of not allowing an executive board member to review and score their own application is sound policy, the department is concerned in the case of non-governmental entities because this entity would still be scoring applications that compete with their own. We do not feel it is necessary to apply the same restrictions to cities and counties, who essentially make up the district and by law should be represented on the executive board. Grants awarded to the city or county do not provide direct financial benefit to the elected official or government employee, but do help create services for their citizens. For these entities, the recusal from reviewing their own application is sufficient. The department agrees with the comments that recommend a strong conflict of interest requirement in the rule and will amend this subsection in response to the comments received.

COMMENT #64: A comment was received from the St. Louis-Jefferson Solid Waste Management District indicating that in subsection (7)(D) of the proposed amendment the release prior to completion of the grant project should be approved by the executive board and the department, not just the department.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has amended the proposed language to reflect this comment.

COMMENT #65: A comment was received from the St. Louis-Jefferson Solid Waste Management District requesting that the wording in subsections (7)(K) and (M) be changed from "state funds" to reference capital assets purchased with "district" funds for consistency.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has amended the proposed language to reflect this comment.

COMMENT #66: A comment was received from the St. Louis-Jefferson Solid Waste Management District requesting that paragraph (9)(A)5. be amended to include a sentence stating "Any withholding of funds shall not exceed the amount of questioned costs." Our district had over two (2) million dollars withheld for a matter of thousands of dollars of questioned costs. This was unnecessary and inappropriate. Programs should be allowed to move forward during periods of dispute or questioned costs, while resolving the particular items in question.

RESPONSE: The department agrees that in the majority of cases an

issue of questioned costs should be handled by withholding only the amount in question. Subsection (9)(D) of the rule addresses this issue. In the case of chronic or significant questioned costs or disputes, the department believes that this would indicate that a district may be having serious problems in managing their funds. In such a case, the department feels it is in the best interest of the public to withhold a larger portion of the district's funds until they are in compliance with all laws and regulations. The department has not amended the proposed language in response to this comment.

Due to the common focus of the following six (6) comments, one (1) response that addresses these comments can be found at the end of these six (6) comments.

COMMENT #67: A comment was submitted by the Solid Waste Advisory Board and endorsed by comments received from four (4) districts, the Earth Ways Center, the Missouri Recycling Association, Jean Ponzi and the city of Independence stating that the penalties in subsection (9)(C) of the proposed amendment are too harsh. The penalties need to reflect the severity of the problem. This is already covered sufficiently in the rules. If this section on withholding is retained in the rule, there needs to be language that limits the amount of funds withheld to just the amount in question. The section that outlines "withholding and reallocating one percent (1%) per day" is much too severe. It provides for too much subjectivity by the department.

COMMENT #68: The South Central Solid Waste Management District commented that the department built penalties into the rule for a variety of activities. All funds can be withheld for a minor infraction. The amount withheld should be limited to the actual dollar amount affected. Any financial disputes not worked out within a two (2)-year time frame can lead to a district's permanent loss of the funds involved.

COMMENT #69: The St. Louis County Municipal League commented that penalties should reflect the severity of the infraction. Complete withholding of funds while minor issues are investigated should be prohibited or limited to a few weeks. Severe abuses obviously require greater sanctions. All actions taken by the department should include the impact on subgrantees and services to citizens.

COMMENT #70: The Mid-America Regional Council Solid Waste Management District commented that the penalties should reflect the severity of the problem. One percent (1%) of the district's quarterly allocation for each day is excessive and should be one-tenth of one percent (0.1%).

COMMENT #71: A comment was received from the St. Louis-Jefferson Solid Waste Management District requesting two (2) changes to subsection (9)(C) of the proposed rule. The first is to change "shall withhold and reallocate funds equal to. . . " to "may withhold and reallocate funds up to. . . " to provide the department discretion in dealing with a district that is habitually late as opposed to one that makes a simple mistake. This change would provide the department useful discretion in whether to levy a penalty and the amount of the penalty. The second request is to change from one percent (1%) of the most recent quarterly allocation to a flat fee of two hundred fifty dollars ($250) per day. This makes for a punishment that is more fitting for the transgression. The one percent (1%) amount was the result of general discussions at the stakeholders meetings. In our case, this provision would result in a mandatory loss of five thousand to seven thousand dollars ($5,000–$7,000) per day for a late report. This is extremely excessive. A mandatory forty thousand to fifty thousand dollars ($40,000–$50,000) penalty for being a week late with a report is inconceivable and needs to be changed to a reasonable flat fee, with some discretion for the department to address the particular circumstances.

COMMENT #72: Solid Waste District "O" commented that they support the amendment as drafted.

RESPONSE AND EXPLANATION OF CHANGE: Penalties are one tool to help bring entities into compliance with laws and regulations. In the majority of cases, the department uses technical guidance and assistance to achieve this goal. The department conducts annual district grant workshops, department staff attend monthly meetings of the Solid Waste Advisory Board and district staff, and department staff regularly discuss issues with district staff by phone and email. With the experience of fifteen (15) years of overseeing district grants, the department has determined that in addition to technical assistance, specific penalties, following proper notification, are needed.

The proposed amendment changed the wording in subsection (9)(A) from "withhold or reduce" to "withhold all or a portion of" in an attempt to clarify this portion of the rule. This change appears to cause concern on the part of the districts, so the proposed amendment will be changed back to the original wording. The St. Louis-Jefferson Solid Waste Management District asks that subsection (9)(A) be changed from "shall withhold" to "may withhold." The department believes that penalties will be a more effective deterrent if the rule states that these consequences will be imposed. The rule has been revised throughout to be more specific regarding the districts' responsibilities and the department believes this will greatly reduce instances where districts are not in compliance.

Regarding late submittal of reports and other documents addressed in subsection (9)(C), the duty of the department to compel submission of these documents in accordance with the rule has been emphasized when the department's Solid Waste Management Program has been audited or reviewed by legislative committee. Over six (6) million dollars is distributed annually to the solid waste management districts, from fees paid by citizens of the state. Quarterly and annual reports are the primary mechanism for documenting how these funds are used and to verify that laws and regulations are being followed. These documents also allow both the public and elected officials to see how their money is being spent. Quarterly reports are chronically late, impacting the ability of the department to respond to inquiries about these grants in a timely manner. If this were not a recurring problem, the department would not feel that specific penalties are needed. The department believes that a penalty of one percent (1%) of the district's quarterly allocation is a more equitable approach than assessing the same fee for every district regardless of size. Districts whose allocations are much larger than the majority of districts may be liable for larger penalties, but these districts also have more funds to use for district operations and more staff available to carry out reporting duties. The department feels that the proposed withholding of one percent (1%) of a district's quarterly allocation was fully discussed during the rule revision workgroup meetings.

Several commenters believe that submitting a late report will immediately subject them to the penalty provision of subsection (9)(C). Prior to imposing a penalty for late submittals, the proposed amendment requires the department to notify the district and provide them at least thirty (30) days to submit. During that thirty (30) days the district can apply for an extension. Only after the thirty (30) days have expired, with no submittal or extension request from the district, would we impose a penalty.

Several commenters indicated their concern that in the case of questioned costs, the department will withhold all funds rather than the amount of funds questioned. Subsection (9)(D) of the proposed rule states that the district will repay the amount of the cost. However, there have been circumstances where the repeated misuse of funds indicate a more serious case of noncompliance, we need the ability to withhold all or a significant portion of district funds as provided for in subsection (9)(A). The department will amend subsection (9)(A) of the proposed amendment in response to these comments.

COMMENT #73: A comment was received from the St. Louis-Jefferson Solid Waste Management District regarding subsection (9)(D) of the proposed amendment. There are several issues that need to be considered in regard to this provision. First, an objective independent auditor should determine if costs might be questioned as

inappropriate or unnecessary, as opposed to complete discretion by the department. Secondly, the department should develop guidance regarding what they might consider unnecessary and inappropriate, and have the State Solid Waste Advisory Board discuss and concur with those items. That process should also take into consideration the statutory authority of districts to enter into contracts and make expenditures they feel are appropriate, even if the department may not like those decisions. Such a process would allow districts to have information on which to base their decision-making regarding expenditures. Also, it may be fair to give the department some discretion as to whether to require payback or withholding or just reach a decision regarding future costs if there is an issue of debate. Finally, this provision should also reference a district's ability to appeal a departmental decision on any withholding.

RESPONSE: Missouri law confers the responsibility for oversight of district grants to the department. The department also has the authority and responsibility to promulgate rules for how these funds are used. By incorporating sections in the rule which list eligible and ineligible costs, the department believes that the questions or disputes regarding what is allowable will be greatly minimized. Regarding the providing of guidance on this issue, the department meets monthly with the Solid Waste Advisory Board, conducts annual district grant workshops and regularly corresponds with district staff. The department welcomes the opportunity to discuss this issue with and consider the advice of the Solid Waste Advisory Board on this and other solid waste management issues.

Solid waste management districts are granted a number of authorities and responsibilities in state law. This rule outlines the requirements for districts to receive and manage funds made available by section 260.335, RSMo. This rule does not apply to how districts spend other funds or exercise other rights or duties conferred by state law. Regarding the request that this section of the rule reference a district's ability to appeal a department decision on withholding, districts have the ability to make such an appeal under section (10) of the proposed amendment. The department has not amended the proposed language in response to this comment.

Due to the common focus of the following six (6) comments, one (1) response that addresses these comments can be found at the end of these six (6) comments.

COMMENT #74: A comment was submitted by the Solid Waste Advisory Board and endorsed by comments received from seven (7) districts, the Earth Ways Center, the Missouri Recycling Association, the St. Louis County Municipal League and the city of Independence indicating that the dispute resolution process outlined in section (10) of the proposed amendment would be better handled by a nonbiased outside party and would like to see some type of provision in the rule that would allow an outside arbitrator to assist in dispute resolution. They do appreciate the fact that the department has placed deadlines for both the department and the districts in this section.

COMMENT #75: Jean Ponzi commented that section (10) of the proposed amendment is extremely unclear. No actual resolution process is outlined. At the very least, a district should, in cases of significant dispute with the department, be not only allowed but encouraged to make a formal administrative appeal.

COMMENT #76: A comment was received from the St. Louis-Jefferson Solid Waste Management District indicating that the dispute resolution provision in section (10) of the proposed amendment is significantly inadequate. If a dispute cannot be resolved directly, districts should have the right to have a dispute resolved by neutral third parties. This provision needs to be modified to allow districts to appeal through the department's administrative appeals processes. It appears that both sections 260.235.1 and 640.010.1, RSMo, would authorize administrative appeals by districts. Finally, it should also be clarified that a district may appeal a decision in accordance with section 536.150, RSMo, which allows an affected party to appeal an agency decision to circuit court.

COMMENT #77: A comment was received from the Mid-Missouri Solid Waste Management District regarding sections (9) and (10). Concerning withholding of district funds and dispute resolution, the rule, as drafted, essentially assumes that only districts can be at fault. One division within the department is the only authority that will determine if the violation has occurred, it is the only authority in adjudicating a district's response, and is the only authority consulted in handing out penalties. Pursuant to section 250.335.5, RSMo, the department, in conjunction with the Solid Waste Advisory Board, shall review the performance of all grant recipients to ensure that grant monies are appropriately and effectively expended to further the purposes of the grant.

COMMENT #78: The Genesis Group of Missouri commented that the districts are set up by statute to be regulated by the department. No other entity regulated by the department has automatic arbitration rights. If the districts have a dispute with the department's Solid Waste Management Program director, then the dispute can be appealed to the director of the department's Division of Environmental Quality.

COMMENT #79: Solid Waste District "O" commented that they support this section of the proposed amendment as drafted.

RESPONSE: The same general process has been in effect since inception of district grants, pursuant to the department's terms and conditions. Using an outside arbitrator would require funding and would lengthen the process of resolving these issues. The department added more detail in the proposed amendment regarding allowable costs, the grant application process, reporting requirements and administrative responsibilities to provide better guidance and minimize questions regarding district grants. This approach also aims to greatly reduce the occurrence of disputes regarding district grants. Missouri law gives the department the responsibility to ensure that district grant funds are managed and used in accordance with laws and regulations. Although there have been issues that required dialogue between the department and the districts, none have risen to a level that resulted in a district requesting an administrative hearing or filing a lawsuit. Regarding comments that other rights to administrative appeals or hearings by the circuit court, this rule does not prohibit districts from seeking any appeal available to them by state law. The department does not believe that such rights must be repeated in this rule. The department has not amended the proposed language in response to this comment.

COMMENT #80: A comment was submitted by the Solid Waste Advisory Board and endorsed by comments received from five (5) districts, the Earth Ways Center, the Missouri Recycling Association, Jean Ponzi and the city of Independence indicating that there are some sections of the rule that establish deadlines for the department and the districts to respond. However, there is concern that the department needs to set specific deadlines for responding to submissions from the districts, especially if penalties will be levied. One example would be district grant reports. If there are problems with reports, the district should be notified within sixty (60) days of submitting the documents.

RESPONSE: To maintain proper oversight of district funds, the department must have the ability to conduct complete reviews of district applications and reports. A deadline on our review process could impact our ability to require that reports contain meaningful information or limit our authority to question inappropriate uses of district funds that are documented in the reports. The review process for these documents may include program, division and department level staff. Regarding late reports, the response regarding section (9) of the proposed amendment explains that the department has notification requirements prior to the assessing of any penalties. The department has not amended the proposed language in response to this comment.

Due to the common focus of the following four (4) comments, one (1) response that addresses these comments can be found at the end of these four (4) comments.

COMMENT #81: A comment was submitted by the Solid Waste Advisory Board and endorsed by comments received from five (5)

districts, the Earth Ways Center, the Missouri Recycling Association, Jean Ponzi and the city of Independence regarding performance audit requirements in section 260.325.10, RSMo. The new requirement states that, subject to limitations caused by the availability resources, the department shall conduct a performance audit of grants to each district at least once every three (3) years. The nature of these audits needs to be determined and addressed in an appropriate manner within the rule. Ideally, they would be most useful as a strictly advisory tool whereby the department is able to provide each district with some specialized technical assistance. However, if the department intends to utilize performance audits with the potential to penalize, withhold, etc., it should be referenced in greater detail in the rule. This could include a detailing of what a performance audit involves, subject to Solid Waste Advisory Board approval, as well as how it relates to the other provisions in the rule. It should not be another independent financial audit but rather a tool for the department to advise and assist the districts in doing the best job possible.
COMMENT #82: The St. Louis County Municipal League commented that the department should develop a fair system for performance audits, including clear criteria for approving funds or plans. They support a program emphasizing best practices.
COMMENT #83: Solid Waste District "O" commented that they do not support the comment submitted by the Solid Waste Advisory Board on this issue.
COMMENT #84: The Genesis Group of Missouri commented that performance auditing is not part of this rule but it is a worthwhile policy endeavor on the part of the department.
RESPONSE: The department agrees that performance audits are an important tool for evaluating the district grants process and revealing the type of technical assistance that will best suit the districts' needs. However, this rule is focused on the process for districts to apply for and utilize their funds and cannot be used as a vehicle for setting forth the department's audit process. Performance audits could include aspects of district functioning that are separate from their management of district funds. For example, a performance audit may look at the district's progress in creating recycling opportunities or managing materials banned from landfills. The department has not amended the proposed language in response to this comment.

Due to the common focus of the following three (3) comments, one (1) response that addresses these comments can be found at the end of these three (3) comments.
COMMENT #85: The Ozark Rivers Solid Waste Management District commented that the proposed amendment should contain requirements for regular auditing of landfill and transfer station records to ensure that all tonnage fees are being submitted to the department. The State Auditor's Report recommended that the department review its procedures to monitor tonnage fees received from these facilities to better ensure that proper fee amounts are submitted. The report stated that formal analytical procedures should be performed on a regular basis. The report suggests that the department consider additional means, such as increased on-site reviews, to help ensure that the proper amount of tonnage fees are being collected. The district states that, in informal conversations, department staff have indicated they have no intention of doing routine audits of disposal facilities to see if these companies are adequately reporting and submitting fees.
COMMENT #86: The St. Louis-Jefferson Solid Waste Management District commented that a concern raised by the state auditor was for the department to ensure that tonnage fees owed to the state are being collected. A landfill in the St. Louis area was recently discovered to have been paying less than what is owed. The department should regularly audit facilities.
COMMENT #87: The Genesis Group of Missouri commented that the state should be diligent in recovering fees from all entities that owe them.
RESPONSE: The department appreciates the comments submitted on this issue and supports the adoption of new procedures to help ensure that all tonnage fees are submitted by Missouri landfills and those transfer stations that transfer waste out-of-state. Requirements for the department or the facilities regarding this issue are outside of the scope of this rulemaking. The department would like to note that its Solid Waste Management Program has adopted procedures for reviewing tonnage fee submittals, looking for anomalies in tonnage amounts reported by each facility over time in order to bring potential problems to light. The program also worked with the department's internal audit staff to develop criteria for auditing these facilities. Department staff will begin audits in June of 2007. The proposed amendment will not be amended in response to these comments.

Due to the common focus of the following three (3) comments, one (1) response that addresses these comments can be found at the end of these three (3) comments.
COMMENT #88: The Solid Waste Advisory Board and Region M Solid Waste Management District commented that an issue important to them is local versus state control. The districts were formed for the purpose of taking solid waste planning to the regional/local level. The districts are all different and have different concerns and needs. The rules need to be flexible enough to allow districts to make decisions at the local level.
COMMENT #89: The Missouri Recycling Association commented that they are concerned with proposed changes that take away or reduce local control.
COMMENT #90: The Mark Twain Solid Waste Management District commented that their executive board prefers to have local control over their district funds.
RESPONSE: The department believes that the proposed amendment maintains the ability for districts to make decisions at the local level, while ensuring that state funds are managed with the appropriate controls. The districts continue to have the authority to determine the governing structure of the district, hire district staff, set priorities for funding, approve grants to subgrantees and decide what activities to undertake for plan implementation that meet local needs. The rule helps to ensure that these funds are used for their intended purpose and that their use is properly documented. The proposed amendment will not be amended in response to these comments.

Due to the common focus of the following (9) comments, one (1) response that addresses these comments can be found at the end of these (9) comments.
COMMENT #91: A comment was submitted by the Solid Waste Advisory Board and endorsed by comments received from five (5) districts, the Earth Ways Center, the Missouri Recycling Association, Jean Ponzi and the city of Independence regarding subsection (7)(I) of the proposed amendment. Mandatory bids for administrative services would be disruptive and would not be cost effective to the solid waste management districts. Bid procurement would also pose a significant administrative burden on the districts, as their staff would not be able (due to conflict of interest) to draw up bid documents or coordinate the bidding process. The districts should be allowed more flexibility and be able to decide locally when to bid for administrative services.
COMMENT #92: A comment was received from the Mid-Missouri Solid Waste Management District regarding subsection (7)(I) of the proposed amendment. This part of the rule is extremely disruptive and expensive. Our district recommends that the executive board be required to provide a report on the current contractual agreement for administrative services at a regular public meeting that would be advertised in all of the newspapers in their district.
COMMENT #93: The Ozark Rivers Solid Waste Management District Board commented that the requirement for bidding out administration services in subsection (7)(I) of the proposed amendment will be disruptive. Their concern regards determining who will coordinate the bid process because the existing district staff would have a conflict of interest. The district reviews its contract annually

with the regional planning commission that provides those services and they have a clause in their contract that allows them to terminate the contract at any time. This is another layer of additional paperwork that is going to take time and money away from their true purpose which is to reduce the volume of waste being landfilled.

COMMENT #94: The South Central Solid Waste Management District commented that this requirement would be disruptive and there would be a conflict of interest for current staff in drawing up bid specifications. The executive board of the district should be able to contract for administrative services as they see fit.

COMMENT #95: The Mid-America Regional Council Solid Waste Management District, the Mid-America Regional Council, Stinson Morrison Hecker, LLP, and the city of Independence commented that the districts, as political subdivisions, should have the ability to enter into interlocal agreements with regional planning councils for administrative services without going through a bid process. The council conducted legal research on this issue for the district and believe there are no provisions in state law or the *Missouri Constitution* that require competitive bidding among or by local governments when local governments are cooperating for specific programs and services. The rule should be amended to include the wording ". . . except when an entity formed pursuant to section 70.210 et seq., RSMo, provides administrative services, office space and other district operations services to the district. . . "

COMMENT #96: A comment was received from the St. Louis-Jefferson Solid Waste Management District regarding subsection (7)(I). Most districts have always been nested in other organizations, which was necessary to launch the programs. The department laid the framework for the majority of the administrative relationships by establishing the solid waste management regional boundaries to correspond to the boundaries of Missouri's regional planning commissions. Districts already possess the authority to make administrative changes, change locations, and so forth as needed. This provision arbitrarily requires the districts to incur costs, expend time and energy, etc. Please delete this provision.

COMMENT #97: Solid Waste District "O" commented that they support the proposed amendment.

COMMENT #98: The National Solid Wastes Management Association commented that they strongly support the proposed amendment as drafted.

COMMENT #99: The Genesis Group of Missouri commented that the Solid Waste Advisory Board acknowledges that their member districts are public entities, but take the stance that to bid for services would be "disruptive and not cost effective" and an "administrative burden." The idea that bidding should not be required for entities receiving public funds from the state is unsupported.

RESPONSE AND EXPLANATION OF CHANGE: District grant funds come from the payment of tonnage fees by individuals, businesses and other entities who generate solid waste and dispose of it in Missouri. These funds should be viewed as public funds, for which the law requires oversight by the department. It is appropriate to apply the same procurement standards that apply to other state funds. Requiring districts to bid for administrative services is consistent with section 260.320.4, RSMo, that requires the executive boards to use bid specifications to contract for solid waste management services. A competitive bid process enables the districts to get more for the state's money, helping them be good stewards of state funds.

Regarding the comments from the Mid-America Regional Council, et al, the department is not fully convinced that section 70.210, RSMo, prohibits the requirements in the proposed amendment. A rule cannot deny any rights granted by statute, but the department included the phrase "Notwithstanding any other provision of law to the contrary" to assure districts of this. The department understands that this wording may not be clear and will amend the rule by replacing "Notwithstanding any other provision of law to the contrary" with "Except as otherwise provided by law." To ensure that this subsection remains flexible, the department believes the wording should be modified to reference state bid requirements, rather than specify a dollar amount. Based on the comments received, the department will further amend the rule by deleting the reference to five thousand dollars ($5,000) and adding the term "competitive bid process" which is defined in the definition section of the proposed amendment.

ADDENDUM

COMMENT # 100: Following the filing of the final and amended Order of Rulemaking with the Joint Committee on Administrative Rules, the committee received a request to hold a hearing on the rulemaking by William Gamble, Executive Director of the Missouri Council of Governments and Tom Jacobs, Director of Environmental Programs, Mid-America Regional Council. The hearing was held on July 17, 2007. After hearing testimony, the committee took action to disapprove paragraph (2)(C)6. of the rule unless the department filed an amended Order of Rulemaking deleting this provision.

RESPONSE AND EXPLANATION OF CHANGE: As a result of the Joint Committee on Administrative Rules' action, the department has removed that portion of the rule in this further amended final Order of Rulemaking. The rule language below reflects this change.

10 CSR 80-9.050 Solid Waste Management Fund—District Grants

(1) Definitions. Definitions for key words used in this rule may be found in 10 CSR 80-2.010. Additional definitions specific to this rule are as follows:

(M) Unencumbered district funds. District funds that have not been obligated by the executive board for goods and services in the form of purchase orders, contracts or other form of documentation.

(2) Eligibility.

(B) Projects. The district funds are to be allocated for projects in accordance with the following provisions:

1. Grant monies made available by this rule shall be allocated by the district for projects contained within the district's approved solid waste management plan. These funds will be used for solid waste management projects as approved by the department. However, no grant funds will be made available for incineration without energy recovery;

2. In the event that the district solid waste management plan has not been submitted to the department, any eligible projects approved by the district and allocated monies made available by this rule shall be included in the district's solid waste management plan prior to submission;

3. In the event that the district solid waste management plan has been submitted to the department, any eligible projects approved by the district and allocated monies made available by this rule, but not contained within the plan, shall be considered an addenda to the plan. The addenda will be evidenced in quarterly and final project reports required under subsection (6)(B) of this rule. Projects serving as addenda to the plan in this manner must be included in any documents required by the department to be submitted by the districts that update the plan or that verify implementation of the plan pursuant to section 260.325.5, RSMo;

4. District funds shall not be awarded for a project whose applicant is directly involved in the evaluation and ranking of that particular project;

5. District funds shall not be awarded for a project that displaces existing resource recovery services, unless the proposed project demonstrates how it will result in improvement or expansion of service; and

6. District funds shall not be awarded for a project that collects solid waste for disposal on a continuous basis.

(C) Grant Funds.

1. As determined by statute, an amount of the revenue generated from the solid waste tonnage fee collected and deposited in the

Solid Waste Management Fund shall be allocated annually to the executive board of each officially recognized solid waste management district for district grants. Further, each officially recognized solid waste management district shall be allocated, upon appropriation, a minimum amount for district grants pursuant to section 260.335.2, RSMo.

2. The district shall enter into a financial assistance agreement with the department prior to the disbursement of district funds. The financial assistance agreement shall, at a minimum, specify that all district funds will be managed in accordance with statute and this rule. Financial assistance agreements shall be provided to the districts by the department at the beginning of the state fiscal year.

3. Quarterly the department shall notify the executive board of each district of the amount of grant funds for which the district is eligible. Upon request, the department will provide to a district the reported tonnages and tonnage fees paid into the Solid Waste Management Fund.

4. Grant money available to a district under subsection (2)(C) of this rule within a fiscal year may be allocated for district operations, projects that further plan implementation and subgrantee projects of cities and counties within the district pursuant to section 260.335.2, RSMo.

5. Any district funds allocated to a district but not requested by the district following the procedures outlined in this rule within twenty-four (24) months of the end of the state fiscal year in which it was allocated may be reallocated by the department pursuant to section 260.335.2, RSMo.

6. At the end of a district's fiscal year, any district carryover funds and interest income in excess of twenty thousand dollars ($20,000) shall be allocated for projects other than district operations in the district's next request for project proposals in accordance with section 260.335, RSMo, unless approved by the department.

7. A solid waste management district may elect to use more than one (1) fiscal year's allocation of funds to finance a project. Prior to the department encumbering funds for this project, the district shall submit a request to the department for approval that provides justification and financial supporting documentation. Following the department's approval, the district may request that these funds be transmitted to the district. All interest income earned by the district shall be obligated to this project until the total amount needed is reached.

8. All district funds shall be used for implementation of a solid waste management plan, district operations, solid waste management, waste reduction, recycling and related services as approved by the district executive board and the department.

(D) Costs. In general, the following paragraphs list eligible and ineligible costs for district funds. Items not listed in this section or in subsections (3)(A) and (4)(B) should be discussed with the department.

1. Eligible costs. Applicants can request monetary assistance in the operation of eligible projects for the following types of costs. Eligible costs may vary depending on the services, materials and activities, as specified in the grant application:

A. Collection, processing, manufacturing or hauling equipment;

B. Materials and labor for construction of buildings;

C. Engineering or consulting fees;

D. Salaries and related fringe benefits directly related to the project;

E. Equipment installation costs including installation, freight, or retrofitting of the equipment;

F. Development and distribution of informational materials;

G. Planning and implementation of informational forums including, but not limited to, workshops;

H. Travel as necessary for project completion;

I. Overhead costs directly related to the project;

J. Laboratory analysis costs; and

K. Professional services.

2. Ineligible costs. The following costs are considered ineligible for district grant funding:

A. Operating expenses, such as salaries and expenses that are not directly related to district operations or the project activities;

B. Costs incurred before the project start date or after the project end date;

C. Taxes;

D. Legal costs;

E. Contingency funds;

F. Land acquisition;

G. Gifts;

H. Disposal costs, except for projects as indicated in paragraph (2)(B)6. of this rule;

I. Fines and penalties;

J. Food and beverages for district employees, board members or subgrantees at non-working meetings;

K. Memorial donations for board members, district employees, or subgrantees;

L. Office decorations, except as indicated in paragraph (3)(A)4. of this rule; and

M. Lobbyists, pursuant to section 105.470, RSMo.

(3) District Operations.

(A) Eligible Costs. The department shall allocate funding for the costs that are reasonable and necessary for proper and efficient performance and administration of the district. District operations costs must be specifically for the purpose of district operations and may include:

1. Salaries and related fringe benefits of employees;

2. Cost of materials and supplies acquired, consumed or expended;

3. Rental or leasing of office space;

4. Office decorations costing less than five hundred dollars ($500) per year;

5. Equipment and other capital expenditures;

6. Travel expenses incurred;

7. The cost of utilities, insurance, security, janitorial services, upkeep of grounds, normal repairs and alterations and the like to the extent that they keep property at an efficient operating condition, do not add to the permanent value of property or appreciably prolong the intended life and are not otherwise included in rental or other charges for space;

8. Contracted services for eligible costs acquired through a competitive bid process;

9. Non-cash service awards which are reasonable in cost; and

10. Legal costs for contract review and other costs directly related to the district grant administration.

(B) Grant Application. Districts eligible to receive district operations grant funding shall submit a written request to the department, on forms provided by the department, that includes:

1. A completed district operations budget, containing such detail as specified by the department, that has been approved by the executive board, including an executive summary and list of tasks for the budget period.

2. Copies of any contracts in effect for district operations services.

3. If applicable, documentation of the bidding process used to procure district operations services.

4. The grant and budget period shall cover up to a one (1)-year time period, unless otherwise approved by the department.

5. Districts may apply for district operations funds at any time during the year, provided that all requirements outlined in this section are followed.

(4) Plan Implementation Projects.

(C) Grant Application. Districts eligible to receive plan implementation grant funding shall submit a written request to the department that includes copies of all plan implementation project proposals approved by the executive board as documented in meeting minutes. At a minimum, project proposals must include:

1. An executive summary of the project objectives and the problem to be solved, referencing the district's solid waste management plan component to which it applies;

2. The location of the project, project name, and the project number assigned by the district;

3. A work plan which identifies project tasks, the key personnel and their qualifications;

4. A timetable showing anticipated dates for major planned activities and expenditures, including the submittal of quarterly reports and the final report;

5. A budget that includes an estimate of the costs for conducting the project. Estimates shall be provided for all major planned activities or purchases by category;

6. Documentation that all required proposal content has been received and reviewed by the district executive board including cost estimates, verification that all applicable federal, state and local permits, approvals, licenses or waivers necessary to implement the project are either not needed or have been applied for, and demonstration of compliance with local zoning ordinances;

7. The type of waste and estimated tonnage to be diverted from landfills or other measurable outcomes;

8. A description of the evaluation procedures to be used throughout the project to measure the success or benefit of the project;

9. For projects involving awards over fifty thousand dollars ($50,000), supporting documentation must be provided to demonstrate technical feasibility, including a preliminary project design, preliminary engineering plans and specifications for any facilities and equipment required for a proposed project, if applicable; and

10. If requested by the department, copies of any or all approved project proposals and supporting documents.

(5) District Subgrantee Procedures.

(B) Proposal Content and Supporting Documents. The districts shall, as appropriate, require the proposals to include but not be limited to the following information:

1. An executive summary of the project objectives and the problem to be solved, referencing the district's solid waste management plan component to which it applies;

2. The location of the project and name, address and phone number of the official subgrant recipient(s);

3. A work plan which identifies project tasks, the key personnel and their qualifications;

4. A timetable showing anticipated dates for major planned activities and expenditures, including the submittal of quarterly reports and the final report;

5. A budget that includes an estimate of the costs for conducting the project. Estimates shall be provided for all major planned activities or purchases by category and shall be supported by documentation showing how each cost estimate was determined. If the project includes matching funds, the budget must delineate the percentages and dollar amounts of the total project costs for both district funds and applicant contributions;

6. Verification that all applicable federal, state and local permits, approvals, licenses or waivers necessary to implement the project are either not needed or have been obtained or applied for and will be obtained prior to an award;

7. Demonstration of compliance with local zoning ordinances;

8. A description of the evaluation procedures to be used throughout the project to quantitatively and qualitatively measure the success or benefit of the project;

9. Documentation that shows a commitment for the match, if applicable;

10. The following supporting documents for projects involving allocations over fifty thousand dollars ($50,000):

A. To demonstrate technical feasibility, a preliminary project design, preliminary engineering plans and specifications for any facilities and equipment required for a proposed project, if applicable;

B. A financial report including:

(I) A three (3)-year business plan for the proposed project. For projects involving recycling and reuse technologies, the plan shall include a market analysis with information demonstrating that the applicant has secured the supply of and demand for recovered material and recycled products necessary for sustained business activity;

(II) A description of project financing, including projected revenue from the project; and

(III) A credit history; and/or up to three (3) years' previous financial statements or reports; or for governmental entities a bond rating;

11. Confidential business information and availability of information. Any person may assert a claim of business confidentiality covering a part or all of that information by including a letter with the information which requests protection of specific information from disclosure. Confidentiality shall be determined or granted in accordance with Chapter 610, RSMo. However, if no claim accompanies the information when it is received by the department, the information may be made available to the public without further notice to the person submitting it; and

12. In the event that more than one (1) solid waste management district proposes to participate in a project as joint subgrantees, each participating district's responsibilities will be outlined in the subgrantee Financial Assistance Agreement. One (1) of the participating districts must be designated as project manager. The project will be administered as provided for in sections (5) and (6) of this rule.

(6) District Documentation.

(A) Subgrantee Proposals. The following documentation must be submitted by the district to the department as part of the grant application process:

1. A completed project request summary form provided by the department that includes, at a minimum, the following information:

A. Copies of the executive summaries of the eligible proposals submitted to the executive board, or narratives prepared by the district, that describe the location of project, project objectives, tasks and general timeline of each eligible proposal;

B. For each project approved for an award by the executive board indicate the name of the project, the project number assigned by the district and:

(I) The total amount awarded to each project, what amount is awarded from the current undisbursed allocation funding, any carryover from previous awards by the district and the source of the carryover, and any interest accrued by the district;

(II) The project budget by category;

(III) The type of waste and estimated tonnage to be diverted from landfills or other measurable outcomes;

(IV) The project start and stop dates; and

(V) Documentation that all required proposal content has been received and reviewed by the district;

2. The aggregate executive board rankings for each of the eligible proposals or documentation that the proposals meet the minimum criteria for funding set by the executive board using the evaluation criteria as described in paragraph (5)(D)3.;

3. If requested by the department, copies of any or all approved project proposals and supporting documents;

4. A copy of the notices given to the governing bodies and published in the newspapers within the district;

5. A copy of the subgrantee(s) financial assistance agreement between the district and subgrantee(s), any amendments made to the subgrantee(s) financial assistance agreement indicated in subsection (7)(H) of this rule and invoice; and

6. Documentation that the executive board discussions and votes for approved subgrants took place in open session, in accordance with sections 610.010 to 610.200 of the Missouri Sunshine Law.

(7) Executive Board Accountability.

(C) The executive board shall adopt a conflict of interest policy regarding grants to subgrantees. This policy shall include a requirement that any non-governmental member of the executive board, or the business or institution to which the member is affiliated, who applies for district grants shall not review, score, rank or approve any of the subgrantee applications for the same grant call.

(D) Payments to grant recipients shall be on a reimbursement basis. The executive board shall retain fifteen percent (15%) of the funds from the recipient until the project is complete. A project shall be deemed complete when the project period has ended and the board gives approval to the grant recipient's final report and the final accounting of project expenditures. The district may make payment directly to a vendor instead of reimbursing the grant recipient provided the executive board approves the direct payment, goods or services being purchased by the grant recipient have been received, and the executive board retains fifteen percent (15%) of the funds until completion of the grant project. For reimbursements or direct payments, the district may release the fifteen percent (15%) retainage prior to completion of the grant project with prior approval of the executive board and the department.

(I) Except as otherwise provided by law, within eighteen (18) months after the effective date of this rule, the executive board shall use a competitive bid process to obtain administrative services, office space rental, and other district operations services, except for employees who are directly employed by the district. Contracts shall not exceed five (5) years in duration.

(K) For capital assets over five thousand dollars ($5,000) purchased in whole or in part with district funds and in which a security interest is held, the executive board must maintain property records. At a minimum these records shall include a description of the equipment, a serial number or other identification number, the source of the property, the acquisition date, cost of the property, percentage of state funds used in the cost of the property, and the location, use and condition of the property.

(M) For capital assets over five thousand dollars ($5,000) purchased in whole or in part with district funds, by the district or subgrantee, the executive board shall ensure that insurance is procured and maintained that will cover loss or damage to the capital assets with financially sound and reputable insurance companies or through self-insurance, in such amounts and covering such risks as are usually carried by companies engaged in the same or similar business and similarly situated.

(8) Awards.

(A) District Awards. All district grant awards are subject to the state appropriation process. District grant awards will be disbursed to the district as provided for in subsection (2)(C) of this rule within thirty (30) days of the receipt by the department of all applicable applications and documentation per sections (3), (4), and (6) of this rule from the executive board of the district. In the case of questions regarding specific costs contained in the district operations application, the funds for costs not in question will be disbursed to the district.

(9) Withholding of District Funds.

(A) The department may withhold or reduce district grant awards until the district is in compliance with the following:

1. Solid Waste Management Law and regulations;

2. Planning requirements pursuant to section 260.325, RSMo;

3. All general and special terms and conditions of the district's financial assistance agreement;

4. Audit requirements;

5. Resolution of significant audit findings and questioned costs; and

6. All reporting requirements and plan revisions indicated in this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 140—Division of Energy
Chapter 6—Missouri Propane Education and Research Program

ORDER OF RULEMAKING

By the authority vested in the Division of Energy under section 414.520, RSMo 2000, the division amends a rule as follows:

10 CSR 140-6.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2007 (32 MoReg 696–697). Those sections with changes have been reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Energy received one (1) comment on the proposed amendment.

COMMENT: Steve Ahrens, Executive Director of The Missouri Propane Gas Association (MPGA) sent a letter dated May 4, 2007, stating that the MPGA supports the proposed amendment to 10 CSR 140-6.010. He stated that this amendment brings the Department of Natural Resources (DNR) regulations into compliance with statutory language that MPGA supported at the time of its passage.
RESPONSE: The Division of Energy agrees.

COMMENT: In review of the order of rulemaking for 10 CSR 140-6.010, it was found that the following text was incorrect. The phrase "wholesalers or resellers" was inserted in the wrong place in subsection (5)(C).
RESPONSE AND EXPLANATION OF CHANGE: The agency will make the correction.

10 CSR 140-6.010 Definitions and General Provisions—Membership

(5) Membership.

(C) The council shall consist of fifteen (15) members, with nine (9) members representing retail marketers of propane; three (3) members representing wholesalers or resellers of propane; two (2) members representing manufacturers and distributors of gas use equipment, wholesalers or resellers, or transporters; and one (1) public member. Other than the public member, council members shall be full-time employees or owners of businesses in the industry.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805 and 313.817, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-1.090 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2007 (32 MoReg 579–581). Changes have been made in the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on May 22, 2007, and the public comment period ended May 2, 2007. At the public hearing, the Missouri Gaming Commission staff explained the proposed changes and one (1) comment was made.

COMMENT: The Missouri Gaming Association requested that we revise subsection (16)(E) by changing the number of players from ten (10) to eleven (11).
RESPONSE AND EXPLANATION OF CHANGE: We recommend that this change be made.

11 CSR 45-1.090 Definitions

(16) Definitions beginning with P—

(E) Poker—Approved gambling games which are played in a poker room and use poker cards dealt by a nonplaying dealer in which a maximum of eleven (11) players wager on the superiority of their individual hands against the hands of the other players.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-5.051 Minimum Standards for Blackjack
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2007 (32 MoReg 581). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805, 313.830 and 313.845, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-5.183 Table Game and Poker Cards—Specifications
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2007 (32 MoReg 581–582). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805, 313.830 and 313.845, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-5.184 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2007 (32 MoReg 582–585). Changes have been made in the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on May 22, 2007, and the public comment period ended May 2, 2007. At the public hearing, the Missouri Gaming Commission staff explained the proposed changes and two (2) comments were made, one from Terri Hutchison and the other from the Missouri Gaming Association.

Terri Hutchison of the Missouri Gaming Commission had the following comments:
COMMENT #1: In section (2) of the proposed amendment Hutchison asked that language be changed to be consistent with section (3).
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with this comment in part and agrees with the comments noted following from the Missouri Gaming Association. The commission will change this proposed amendment to be consistent with section (3).

COMMENT #2: In section (7) of the proposed amendment Hutchison asked the amendment be changed to be consistent with subsections (10)(B) and (11)(B).
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with this comment in part and agrees with the comments noted following from the Missouri Gaming Association. The commission will change this proposed amendment to be consistent with subsections (10)(B) and (11)(B).

COMMENT #3: In paragraph (16)(D)3. of the proposed amendment Hutchison asked that the amendment be corrected grammatically.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with this comment and is changing the proposed amendment.

The Missouri Gaming Association had the following comments:
COMMENT #4: In section (1) the comment pertains to changing "the" to "a," a grammatical correction, changing "cards" to "decks," and changing "individuals" to "employees" and to change "primary card storage area" to "primary storage area" deleting the word "card."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all of their comments in section (1) except the removal of the word "card" between "primary" and "storage."

COMMENT #5: In section (2) the comment pertains to changing the "assistant shift manager" to "pit manager or poker room manager" and to delete "casino department" and in lieu thereof, insert "table games department."

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with these comments and will make the appropriate changes.

COMMENT #6: In section (3) the comment pertains to having the poker room manager or the supervisor of either the pit manager or poker room manager to be able to remove cards, that the poker room manager may not be the second person to be part of this but that it must be only a casino security officer. Also asked to clarify that it is table games cards being removed from the storage area and they request that it be designated as primary storage area rather than primary card storage area.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments except the designation of the storage area which should remain primary card storage area.

COMMENT #7: In section (4) the comment pertains to having the section be reworded and effects no substantive change in the section.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #8: In section (5) the comment pertains to having to add additional positions that have authority to perform the duties provided by this section. Missouri Gaming Association also clarified that the compartment is located within the pit(s).
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #9: In section (6) the comment pertains to grammatical changes, suggested that people above the pit manager in responsibility would be able to perform the duties of their subordinates and finally removed the word "pit" from the "except for encircled pit area."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all changes except for the removal of the word "pit" from "except for encircled pit area."

COMMENT #10: In section (7) the comment pertains to having people above the floor supervisor in responsibility would be able to perform the duties of their subordinates throughout the section. It was also suggested changing the word "pack" to "deck."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #11: In section (9) the comment pertains to having the cards being played be changed out and to be clarified with two (2) standards.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change except for in (9)(B) the word "held" which shall be changed to "handled."

COMMENT #12: In section (10) the comment pertains to having grammatical changes, suggested that people above the floor supervisor in responsibility would be able to perform the duties of their subordinates.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #13: In section (11) the comment pertains to having grammatical changes, suggested that people above the floor supervisor in responsibility would be able to perform the duties of their subordinates.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #14: In section (12) the comment pertains to having grammatical changes.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopt their change.

COMMENT #15: In section (13) the comment pertains to having people above the floor supervisor and pit manager in responsibility would be able to perform the duties of their subordinates
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #16: In section (14) the comment pertains to having grammatical changes.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #17: In section (15) the comment pertains to having the words "at the same time each day" be deleted, suggested that people above the pit manager in responsibility would be able to perform the duties of their subordinates.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #18: In section (16) the comment pertains to having grammatical changes and suggested that the paragraph be reworded.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopt their change except in (16)(A) the word "held" which shall be changed to "handled," (16)(B) the deletion of the words "of those decks" in "at least five percent (5%)," (16)(G) the word "immediately" in "shall be immediately reported," and the changing the word "shall" to "may."

COMMENT #19: In section (17) the comment pertains to having grammatical changes and suggested to change the word "cards" to "decks."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #20: In section (18) the comment pertains to the clarification to the destruction and cancellation of cards.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

11 CSR 45-5.184 Table Game Cards—Receipt, Storage, Inspections, and Removal from Use

(1) When decks of table game cards are received for use in the facility from a licensed supplier, the decks shall be placed for storage in a primary or secondary storage area by at least (2) employees, one (1) of whom shall be from the table games department and the other from the casino security or casino accounting department. The primary card storage area shall be located in a secure place, the location and physical characteristics of which shall be approved by the commission. Secondary storage areas, if needed, shall be used for the storage of surplus cards. Cards maintained in secondary storage areas shall be transferred to the primary card storage area before being distributed to the pits or tables. All secondary storage areas shall be located in secure areas, the location and physical characteristics of which shall be approved by the commission.

(2) All primary and secondary storage areas shall have two (2) separate locks. The casino security department shall maintain one (1) key and the table games department shall maintain the other key; provided, however, that no person employed by the table games department below the pit manager, poker room manager, or supervisor thereof in the organizational hierarchy shall have access to the table games department key for the primary and secondary storage areas.

(3) Immediately prior to the commencement of each gaming day and at other times as may be necessary, the pit manager, poker room manager, or supervisor thereof, in the presence of a casino security officer, shall remove the appropriate number of decks of table games cards from the primary card storage area for that gaming day.

(4) Once removed from the primary card storage area, the pit manager, poker room manager, or supervisor thereof, in the presence of a casino security officer, shall take the decks to the pit(s) and distribute the decks to the floor supervisor(s) for distribution to the dealer at each table.

(5) The pit manager, poker room manager, or supervisor thereof, shall place extra decks into a single locked compartment of a pit stand located within the pit(s). The floor supervisor or above shall have access to the extra decks of cards to be used for that gaming day.

(6) If the cards are kept overnight, the cards shall be kept in a separate, single locked storage unit that is within a pit area that is completely enclosed or encircled by gaming tables. This storage compartment may be used to store cards for future play within that enclosed or encircled area for up to one (1) week if only the pit manager or above has access to the compartment in which the cards are stored, there is continuous, dedicated surveillance coverage of the storage compartment and surrounding area, the pit manager or above maintains an approved log current at all times inside the card storage compartment that reflects the current number and color of decks in the compartment, and any discrepancies are immediately reported to the commission agent on duty. Cards will not be moved outside of the enclosed or encircled area without a security escort and notification to surveillance except for when being collected by security as detailed in section (14) of this rule.

(7) Prior to being placed into play, all decks shall be inspected by the dealer, and the inspection verified by a floor supervisor or above. Card inspection at the gaming table shall require each deck to be sorted into sequence and into suit to ensure that all cards are in the deck. The dealer shall also check the back of each card to ensure that it is not flawed, scratched or marked in any way.

(A) If, after checking the cards, the dealer finds that a card is unsuitable for use, a floor supervisor or above shall bring a replacement card from the replacement deck or replace the entire deck.

(B) The unsuitable card(s) shall be placed in a transparent sealed envelope or container, identified by the table number, date, and time and shall be signed by the dealer and floor supervisor assigned to that table. The floor supervisor or above shall maintain the envelope or container in a secure place within the pit until collected by a security officer.

(9) Any cards which have been opened and placed on a gaming table shall be changed at least once every twenty-four (24) hours. In addition—

(B) Cards opened for use on any table game in which the cards are handled by the players shall be changed at least every six (6) hours.

(10) Card(s) damaged during the course of play shall be replaced by the dealer who shall request a floor supervisor or above to bring a replacement card(s) from the pit stand.

(A) The damaged card(s) shall be placed in a sealed envelope, identified by table number, date and time and shall be signed by dealer and the floor supervisor or above who brought the replacement card to the table.

(B) The floor supervisor or above shall maintain the envelope or container in a secure place within the pit until collected by a casino security officer.

(11) At the end of the gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee and approved by the commission, and at other times as may be necessary, the floor supervisor or above shall collect all used cards.

(A) These cards shall be counted down and placed in a sealed envelope or container. A label shall be attached to each envelope or container which shall identify the table number, date and time and shall be signed by the dealer and floor supervisor assigned to the table.

(B) The floor supervisor or above shall maintain the envelopes or containers in a secure place within the pit until collected by a casino security officer.

(12) The licensee shall remove any cards from use any time there is indication of tampering, flaws, scratches, marks or other defects that might affect the integrity or fairness of the game, or at the request of the commission.

(13) All extra decks with broken seals shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the date and time and is signed by the floor supervisor and the pit manager or above.

(14) At the end of the gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee in the internal controls and approved by the commission, and at other times as may be necessary, a casino security officer shall collect and sign all envelopes or containers with damaged cards, cards used during the gaming day, and all other decks with broken seals and shall return the envelopes or containers to the security department.

(15) At the end of each gaming day or, in the alternative, at least once each gaming day, as designated by the licensee in the internal controls and approved by the commission, and at other times as may be necessary, a pit manager or above may collect all extra decks of cards. If collected, all sealed decks shall be canceled, destroyed or returned to an approved storage area.

(16) When the envelopes or containers of used cards and reserve cards with broken seals are returned to the casino security department, they shall be inspected within forty-eight (48) hours by a member of the security department who has been trained in proper card inspection procedures. The cards will be inspected for tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play.

(A) With the exception of the cards used on a traditional "full" baccarat table which are changed upon the completion of each shoe, all cards used in table games in which the cards are handled by the player will be inspected.

(B) In other table games, if less than three hundred (300) decks are used in the gaming day, at least ten percent (10%) of those decks will be selected at random to be inspected. If three hundred (300) or more decks are used that gaming day, at least five percent (5%) of those decks but no fewer than thirty (30) decks will be selected at random to be inspected.

(G) Evidence of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play discovered at this time, or at any other time, shall be immediately reported to the commission by the completion and delivery of a Card Discrepancy Report.

1. The report shall accompany the card(s) when delivered to the commission.

2. The card(s) shall be retained for further inspection by the commission.

3. The commission agent receiving the report shall sign the Card Discrepancy Report and retain the original at the commission office.

(17) The licensee shall submit to the commission for approval procedures for—

(B) A verification on a daily basis of the number of decks distributed, the decks destroyed or canceled, the decks returned to the storage area and, if any, the decks left in the pit podium; and

(C) A physical inventory of the cards at least once every three (3) months.

1. This inventory shall be performed by an employee from compliance or a supervisory Level II licensee from the cage, slot or accounting department and shall be verified to the balance of decks on hand required in subsection (17)(A) above.

2. Any discrepancies shall immediately be reported to the commission.

(18) Where cards in an envelope or container are inspected and found to be without any indication of tampering marks, alterations, missing or additional cards or anything that might indicate unfair play, those cards shall be destroyed or canceled. Once released by the commission, the cards submitted as evidence shall immediately be destroyed or canceled.

(A) Destruction shall occur by shredding or other method approved by the commission.

(B) Cancellation shall occur by drilling a circular hole of at least one-fourth of one inch (1/4") in diameter through the center of each card in the deck or other method approved by the commission.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2000, the commission adopts a rule as follows:

11 CSR 45-5.185 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2007 (32 MoReg 585–587). Changes have been made in the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held on May 22, 2007, and the public comment period ended May 2, 2007. At the public hearing, the Missouri Gaming Commission staff explained the proposed changes and one (1) comment was made from the Missouri Gaming Association.

The Missouri Gaming Association had the following comments:
COMMENT #1: In section (2) the comment pertains to grammatical changes and requests that it be designated as primary storage area rather than primary card storage area.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments except the designation of the storage area which should remain primary card storage area.

COMMENT #2: In section (3) the comment pertains to having the poker room manager and the pit manager in reverse order in the sentence and request that it be designated as primary and secondary storage area rather than poker card storage area.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the comment to reverse the order of the pit manager and poker room manager and the comment on the designation of the storage area which should be the primary and secondary card storage area.

COMMENT #3: In section (4) the comment pertains to having the poker room manager and the pit manager in reverse order in the sentence and including the supervisor thereof, and request that it be designated as primary storage area rather than primary card storage area.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the addition of the supervisor thereof, but disagrees with the comment to reverse the order of the pit manager and poker room manager and the comment on the designation of the storage area which should be the primary card storage area.

COMMENT #4: In section (5) the comment pertains to rewording the section to clarify the distribution of the poker cards.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments except for reversing the order of the pit manager and poker room manager.

COMMENT #5: In section (6) the comment pertains to clarifying the paragraph on cards kept overnight in the storage compartment and to change the poker room supervisor to poker room manager or above.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the clarification changes but disagrees with the poker room supervisor being changed to the poker room manager and the deletion of "Poker" in front of "cards" in the last sentence.

COMMENT #6: In section (7) the comment pertains to having people above the poker room supervisor in responsibility would be able to perform the duties of their subordinates throughout the section. It was also suggested changing the word "pack" to "deck."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #7: In section (9) the comment pertains to clarifying the cards being opened and placed on the poker table and being changed out.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #8: In section (10) the comment pertains to having grammatical changes, suggested that people above the poker room supervisor in responsibility would be able to perform the duties of their subordinates.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #9: In section (11) the comment pertains to having grammatical changes, suggested that people above the poker room supervisor in responsibility would be able to perform the duties of their subordinates and changing the words "poker room" to "pit."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments except the changing of the words "poker room" to "pit."

COMMENT #10: In section (12) the comment pertains to removing the word "poker" in front of "cards," adding the words "from use" and the deletion of "any" in front of "indication."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the addition of the words "from use" but disagrees with the removal of the word "poker" in front of "cards" and the removal of "any" from "there is any indication of tampering."

COMMENT #11: In section (13) the comment pertains to having people above the poker room supervisor and pit manager in responsibility would be able to perform the duties of their subordinates.
RESPONSE: The commission agrees with all comments.

COMMENT #12: In section (14) the comment pertains to having grammatical changes and clarifying that the envelopes and containers be returned to the security department.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #13: In section (16) the comment pertains to having grammatical changes and to add additional positions that have authority to collect all extra decks of cards.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #14: In section (17) the comment pertains to clarifying a member of the security department to be trained in proper card inspection procedures, having grammatical changes and suggested that the section be reworded.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments except in (17)(A)1. and 2. as moving the word "and," (17)(G) removing the word "card" in front of inspection, and (17)(H)2. changing the word "shall" to "may."

COMMENT #15: In section (18) the comment pertains to grammatical changes, changing the words "poker podium" to "pit podium" and reworded 18 (C) 1.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments except for the changing of "poker podium" to "pit podium."

COMMENT #16: In section (19) the comment pertains to grammatical changes.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #17: In section (20) the comment was to delete section (20).
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

11 CSR 45-5.185 Poker Cards—Receipt, Storage, Inspections, and Removal from Use

(2) When decks of poker cards are received for use in the facility from a licensed supplier, the decks shall be placed for storage in a primary or secondary storage area by at least two (2) employees, one (1) of whom shall be from the table games department and the other from the casino security or casino accounting department. The primary storage area shall be located in a secure place, the location and physical characteristics of which shall be approved by the commission. Secondary storage areas, if needed, shall be used for the storage of surplus poker cards. Cards maintained in secondary storage areas shall be transferred to the primary card storage area before being distributed to the poker room or tables. All secondary storage areas shall be located in secure areas, the location and physical characteristics of which shall be approved by the commission.

(3) All primary and secondary card storage areas shall have two (2) separate locks. The casino security department shall maintain one (1) key and the table games department shall maintain the other key; provided, however, that no person employed by the table games department below the pit manager or poker room manager in the organizational hierarchy shall have access to the table games department key for the primary and secondary card storage areas.

(4) Immediately prior to the commencement of each gaming day and at other times as may be necessary, the poker room manager, pit manager, or supervisor thereof, in the presence of a casino security officer, shall remove the appropriate number of decks of poker cards from the primary card storage area for that gaming day.

(5) Once removed from the primary storage area, the poker room manager, pit manager, or supervisor thereof, in the presence of a casino security officer, shall take the decks to the poker room and distribute the decks to the poker room supervisor for distribution to the dealer at each table. The poker room manager, pit manager, or supervisor thereof, shall place extra decks into a single locked compartment of a pit stand located within the poker room. The poker room supervisor or above shall have access to the extra decks of poker cards to be used for that gaming day.

(6) If the cards are kept overnight, the cards shall be kept in a separate, single locked storage compartment in the poker room. This storage compartment may be used to store poker cards for future play within that enclosed or encircled area for up to one (1) week if only the poker room supervisor or above has access to the compartment in which the cards are stored, there is continuous, dedicated surveillance coverage of the storage compartment and surrounding area, and the poker room supervisor or above maintains an approved log current at all times inside the card storage compartment that reflects the current number and color of decks in the compartment, and any discrepancies are immediately reported to the commission agent on duty. Poker cards will not be moved outside of the poker room without a security escort and notification to surveillance except for when being collected by security as detailed in section (14) of this rule.

(7) Prior to being placed into play, all decks shall be inspected by the dealer, and the inspection verified by a poker room supervisor or above. Card inspection at the gaming table shall require each deck to be sorted into sequence and into suit to ensure that all cards are in the deck. The dealer shall also check the back of each card to ensure that it is not flawed, scratched or marked in any way.

(A) If, after checking the cards, the dealer finds that a card is unsuitable for use, a poker room supervisor or above shall bring a replacement card from the replacement deck in the pit stand.

(B) The unsuitable card(s) shall be placed in a transparent sealed envelope or container, identified by the table number, date, and time and shall be signed by the dealer and poker room supervisor assigned to that table. The poker room supervisor or above shall maintain the envelope or container in a secure place within the pit until collected by a security officer.

(9) Any cards which have been opened and placed on a poker table shall be changed at least once every six (6) hours.

(10) Card(s) damaged during the course of play shall be replaced by the dealer who shall request a poker room supervisor or above to bring a replacement card(s) from the pit stand.

(A) The damaged card(s) shall be placed in a sealed envelope, identified by table number, date and time and shall be signed by the dealer and the poker room supervisor or above who brought the replacement card to the table.

(B) The poker room supervisor or above shall maintain the envelope or container in a secure place within the poker room until collected by a security officer.

(11) At the end of the gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee and approved by the commission, and at other times as may be necessary, the poker room supervisor or above shall collect all used cards.

(A) These cards shall be counted down and placed in a sealed envelope or container. A label shall be attached to each envelope or container which shall identify the table number, date and time and shall be signed by the dealer and poker room supervisor assigned to the table.

(B) The poker room supervisor or above shall maintain the envelopes or containers in a secure place within the poker room until collected by a casino security officer.

(12) The licensee shall remove any poker cards from use any time there is any indication of tampering, flaws, scratches, marks or other defects that might affect the integrity or fairness of the game, or at the request of the commission.

(14) At the end of the gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee in the internal controls and approved by the commission, and at other times as may be necessary, a casino security officer shall collect and sign all envelopes or containers with damaged poker cards and cards used during the gaming day and shall return the envelopes or containers to the security department.

(16) At the end of each gaming day or, in the alternative, at least once each gaming day, as designated by the licensee in the internal controls and approved by the commission, and at other times as may be necessary, a poker room manager, pit manager or supervisor thereof may collect all extra decks of cards. If collected, all sealed decks shall be canceled, destroyed or returned to an approved storage area.

(17) When the envelopes or containers of used cards and reserve cards with broken seals are returned to the casino security department, they shall be inspected within forty-eight (48) hours by a member of the security department who has been trained in proper card inspection procedures. The cards will be inspected for tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play.

(B) The procedures for inspecting all decks required to be inspected under this subsection, shall, at a minimum, include:

1. The sorting of cards sequentially by suit;

2. The inspection of the backs of the cards with an ultraviolet light;

3. The inspection of the sides of the cards for crimps, bends, cuts and shaving; and

4. The inspection of the front and back of all poker cards for consistent shading and coloring.

(D) Upon completion of the inspection procedures required in subsection (17)(B) above, each deck of poker cards which is determined suitable for continued use shall be placed in sequential order, repackaged and returned to the primary or poker card storage area for subsequent use.

(G) The licensee shall submit the training procedures for those employees performing the inspection, which shall be approved by the commission.

(H) Evidence of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play discovered at this time, or at any other time, shall be reported to the commission by the completion and delivery of a Card Discrepancy Report.

1. The report shall accompany the card(s) when delivered to the commission.

2. The card(s) shall be retained for further inspection by the commission.

3. The commission agent receiving the report shall sign the Card Discrepancy Report and retain the original at the commission office.

(18) The licensee shall submit to the commission for approval procedures for—

(A) A card inventory system which shall include, at a minimum, documentation of the following:

1. The balance of decks on hand;

2. The decks removed from storage;

3. The decks returned to storage or received from the manufacturer;

4. The date of the transaction; and

5. The signatures of the individuals involved;

(B) A verification on a daily basis of the number of decks distributed, the decks destroyed or canceled, the decks returned to the storage area and, if any, the decks left in the poker podium; and

(C) A physical inventory of the cards at least once every three (3) months.

1. This inventory shall be performed by an employee from compliance or a supervisory Level II licensee from the cage, slot or accounting department and shall be verified to the balance of decks on hand required in subsection (18)(A) above.

2. Any discrepancies shall immediately be reported to the commission.

(19) Destruction of poker cards shall be by shredding or other method approved by the commission.

(A) Cancellation shall occur by drilling a circular hole of at least one-fourth of one inch (1/4") in diameter through the center of each card in the deck or by cutting at least one-fourth of an inch (1/4") off one (1) corner from each card in the deck or other method approved by the commission.

(B) The destruction and cancellation of poker cards shall take place in a secure place, the location and physical characteristics of which shall be approved by the commission, and shall be performed by a member of the casino security department specifically trained in proper procedures.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805, 313.830 and 313.845, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-5.265 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2007 (32 MoReg 587–589). Changes have been made in the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on May 22, 2007, and the public comment period ended May 2, 2007. At the public hearing, the Missouri Gaming Commission staff explained the proposed changes and two (2) comments were made, one from Clarence Greeno and the other from the Missouri Gaming Association.

Clarence Greeno of the Missouri Gaming Commission had the following comment:
COMMENT #1: In section (4) of the proposed amendment Greeno asked that language pertaining to the inspection of dice be put back in that was evidently inadvertently omitted.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with these comments and will make the appropriate changes.

The Missouri Gaming Association had the following comments:
COMMENT #2: In section (1) the comment pertains to rewording the section for receiving and storing dice.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #3: In section (2) the comment pertains to delete cashier cages throughout the section and some grammatical changes.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #4: In section (3) the comment pertains to grammatical changes and to delete the last sentence.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts their change.

COMMENT #5: In section (4) the comment pertains to having the section be reworded.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and will make the appropriate changes.

11 CSR 45-5.265 Dice—Receipt, Storage, Inspections and Removal from Use

(1) When dice are received for use in the facility from a licensed supplier, the boxes shall be placed for storage in a primary or secondary storage area by at least two (2) employees, one (1) of whom shall be from the table games department and the other from the casino security or casino accounting department. The primary storage area shall be located in a secure place, the location and physical characteristics of which shall be approved by the commission. Secondary storage areas, if needed, shall be used for the storage of surplus dice. Dice maintained in secondary storage areas shall be transferred to the primary storage area before being distributed to the pits or tables. All secondary storage areas shall be located in secure areas, the location and physical characteristics of which shall be approved by the commission.

(2) All primary and secondary storage areas shall have two (2) separate locks. The casino security department shall maintain one (1) key and the table games department shall maintain the other key; provided, however, that no person employed by the table games department below the pit manager or poker room manager in the organizational hierarchy shall have access to the table games department key for the primary and secondary storage areas.

(3) Immediately prior to the commencement of each gaming day and at other times as may be necessary, the pit manager, poker room manager, or supervisor thereof, in the presence of a casino security officer, shall remove the appropriate number of dice from the primary storage area for that gaming day.

(4) Once removed from the primary storage area, the pit manager, poker room manager, or supervisor thereof, in the presence of a casino security officer, shall take the dice to the pit(s) and distribute the dice to the floor supervisor(s) or directly to the boxperson at each table.

(A) At the time of receipt, a boxperson at each craps table, in order to ensure that the dice are in a condition to ensure fair play and otherwise conform to sections 313.800 to 313.850, RSMo and the rules of the commission, shall, in the presence of the floor supervisor, inspect the dice with a micrometer or any other approved instrument approved by the commission which performs the same function, a balancing caliper, a steel set square and a magnet, which instruments shall be kept in a compartment at each craps table or pit stand and shall be at all times readily available for use by the commission upon request.

(B) Following this inspection the boxperson shall in the presence of the floor supervisor place the dice in a cup on the table for use in gaming, and at all times while the dice are at the table, they shall never be left unattended.

(C) The pit manager shall place extra dice for dice reserve in a single locked compartment in the pit stand. The floor supervisor or above shall have access to the extra dice to be used for that gaming day.

(D) If the dice are kept overnight the dice shall be kept in a separate, single locked storage unit that is within a pit area that is completely enclosed or encircled by gaming tables. This storage compartment may be used to store dice for future play within that enclosed or encircled area for up to one (1) week if only the pit manager has access to the compartment in which the dice are stored, there is continuous, dedicated surveillance coverage of the storage compartment and surrounding area, and the pit manager maintains an approved log current at all times inside the dice storage compartment that reflects the current number/color of dice in the compartment, and any discrepancies are immediately reported to the commission agent on duty. Dice will not be moved outside of the enclosed or encircled area without a security escort and notification to surveillance.

(E) No dice taken from the reserve shall be used for actual gaming until the dice are inspected in accordance with this rule.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-8.130 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2007 (32 MoReg 589–591). Changes have been made in the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on May 22, 2007, and the public comment period ended May 2, 2007. At the public hearing, the Missouri Gaming Commission staff explained the proposed changes and one (1) comment was made from the Missouri Gaming Association.

The Missouri Gaming Association had the following comments:
COMMENT: In section (2) the comment was to object to not having the ability to solicit gifts from vendors.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the comment but believes there should be certain limitations on the ability of occupational licensees to solicit gifts therefore a change will be made.

COMMENT: In section (6) the comment pertains to allowing occupational licensee applicants or occupational licensees to accept gifts from a player or patron.
RESPONSE: The commission disagrees with the comments; therefore no change will be made.

11 CSR 45-8.130 Tips and Gifts

(2) Level II occupational licensees may accept tips for casino-related services performed by the licensee, or paid leave based on work, that is performed in a nonsupervisory capacity as a dealer, cage

cashier, slot attendant, food and beverage personnel, valet, ticketing personnel or other positions as approved by the director. No occupational license applicant or occupational licensee shall solicit any tip or gift from any player, patron or vendor of the Class A licensee where the occupational licensee is employed or working. This in no way prohibits an occupational licensee with the written consent of the general manager or its designee of the Class A licensee from soliciting a vendor for the purposes of a gift to a charitable or civic event or fundraiser or allowing the name of a licensee from appearing on a general invitation or solicitation.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-9.030 Minimum Internal Control Standards **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2007 (32 MoReg 591–592). Changes have been made in the text of the Missouri Gaming Commission Minimum Internal Control Standards, MICS 2007, also known as Appendix A. The complete amended Appendix A is available online at www.mgc.dps.mo.gov. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on May 22, 2007, and the public comment period ended May 2, 2007. At the public hearing, the Missouri Gaming Commission staff explained the proposed changes and two (2) comments were made, one from Terri Hutchison and the other from the Missouri Gaming Association.

Terri Hutchison of the Missouri Gaming Commission had the following comments:
COMMENT #1: In MICS Chapter A Section 1.06, Hutchison suggested after the sentence "If payroll records and schedules are used, both shall be retained on file." Add the sentence "All paperwork shall be sent to Accounting." This is to make it clear what to do with all the paperwork on dual-rates.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #2: In MICS Chapter A Section 4.01 1(d), 2(c), and 3(c); Hutchison suggested to change "Chief Deputy Director Enforcement" to "Jefferson City, MGC Office Policy Section." This is due to the reorganization of the MGC office.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #3: In MICS Chapter B Section 1.04 (D), Hutchison suggested to change "of notification for removal of employees from the system" to: "of any change in job position that would result in a change in key access." This is to clarify when the changes should be made in the system.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #4: In MICS Chapter F, Hutchison suggested to change the header and footer from pages 2–5 to read "CHAPTER F – POKER ROOMS." This header and footer did not get changed on these pages.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #5: In MICS Chapter K Section 2.01, Hutchison suggested to add, "as identified in MICS, Chapter K Section 3.03." This needs to be changed to match what we have in the CTRC section.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

The Missouri Gaming Association had the following comments:
COMMENT #6: In MICS Chapter D 17.01—The dealer needs to prove a stack of chips not only when they are coloring up, but also when they check change, buy in, convert, etc. This procedure also varies depending on the game type. For example, a Roulette dealer can take a full stack of red or white chips directly from the bankroll and give to the patron without proving. The same rule applies to the Craps dealer. These two policies are industry standards based on how the chips are aligned in the bankroll. Also, different denominations of chips are broken down differently; also an industry standard. Licensees would suggest the following wording - When a dealer is proving chips, they shall cut out the chips in full view of surveillance and the patron in accordance with their procedures, thus proving the correct amount.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #7: In MICS Chapter D 18.01—It is not possible to clear your hands after each and every transaction. Every individual move the dealer makes is a "transaction." For example, a Craps dealer would have to clear their hands after they paid each and every player. Industry standard is that the dealer should clear their hands before and after going to their body and when entering and exiting the game. The dealers are under constant surveillance, making additional moves unnecessary. Licensees would suggest the following wording—All dealers and boxpersons shall clear their hands in view of all persons in the immediate area and surveillance before and after going to their body and when entering and exiting the game. Clearing of hands means holding and placing both hands out in front of the body with the fingers of both hands spread and rotating the hands to expose both the palms and the backs of the hands to demonstrate that the hands are empty.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #8: In MICS Chapter E 4.11—Licensees would suggest not removing the verifier from this section but rather give the licensees the flexibility to decide who will deposit the form in the accounting box. Licensees would suggest "After the jackpot has been paid and the jackpot payout form signed, the employee or an employee independent of the transaction that verified and witnessed the payout shall promptly deposit one part of the form in the accounting box."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #9: In MICS Chapter E 11.05—Licensees would suggest the removed section (E 11.05) be re-inserted as Section E 11.03.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #10: In MICS Chapter E 15.04—Licensees agree that one of the two keys should be issued to Security but would request the issuance of the other key not be limited to the main bank cashier.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and will add the cage cashier.

COMMENT #11: In MICS Chapter F 5.04—In order to be consistent, section 5.04 needs to state "Poker cards will not be moved outside the poker room without a security escort and notification to surveillance with the exception of when collected by security as outlined in 11 CSR 45-5.184(14)."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments except the CSR citation, which shall be 11 CSR 45-5.185(14).

COMMENT #12: In MICS Chapter G 8.03b—"A drop area is defined as all areas within close proximity of any drop bucket or BV can that is being dropped or which is not secured in a locked EGD compartment or a locked cart to restrict access to the area by unauthorized personnel."
RESPONSE AND EXPLANATION OF CHANGE: The commission disagrees with the words "close proximity" but will change the language to state five foot (5') radius on the open side of the cart.

COMMENT #13: In MICS Chapter G 8.09—Licensees would suggest removing the last sentence of this paragraph and insert "Each licensee shall establish drop apparel inspection procedures in their internal controls which shall be approved by MGC."
RESPONSE: The commission disagrees with the comments; therefore no change will be made.

COMMENT #14: In MICS Chapter G 8.13, 12.01, 12.09, 12.18, 13.01, 14.01 and 14.02—These 7 sections make reference to the count room supervisor. Not all licensees have a position of count room supervisor therefore the licensees would request the verbiage be revised to state the "Lead Count Room Representative or Count Room Supervisor" in each of these sections.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #15: In MICS Chapter G 9.02 and 10.09—These two sections mandate all items are to be thoroughly inspected by security when removed from the hard and soft count rooms. Licensees would object to this requirement due to the extra labor involved in inspecting tickets. Some licensees process in excess of 100,000 tickets a day and it is not feasible or necessary to thoroughly inspect them. Licensees would recommend removing the requirement to inspect tickets altogether or at a minimum, limit it to a random inspection of a portion of the tickets.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and will make the appropriate changes.

COMMENT #16: In MICS Chapter G 9.04—Licensees would request to have this section removed. It is not only an excessive regulation but also an auditing nightmare. Licensees currently must list items such as clocks, fans, bottled water, Kleenex, cleaning supplies, flashlights, etc. Licensees should not be required to list these miscellaneous sundry items. This regulation should either be removed or revised to state the count rooms shall not be used to store any supplies or equipment not used within the count room.
RESPONSE AND EXPLANATION OF CHANGE: The commission will delete the last sentence.

COMMENT #17: In MICS Chapter G 13.06—Licensees see no benefit of verbalizing the table number. There is no requirement to verbalize an EGD number.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #18: In MICS Chapter G 13.09—Licensees would like to remove the wording "held straight out." It is sufficient for the team members to clear their hands without holding their arms straight out.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and will delete the word "straight."

COMMENT #19: In MICS Chapter H 3.03 and 5.01—Licensees would request language be revised to state "main bank or employee window."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #20: In MICS Chapter H 3.04 and 15.15—The ticketing system already performs this function. Licensees would recommend removal of the last sentence in the paragraph as it is unnecessary.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #21: In MICS Chapter H 3.08—Licensees would request the ability to electronically document "verification only" on the count sheet. The regulation as it is requires that terminology to be "written" on the count sheet.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #22: In MICS Chapter H 3.09—Licensees would recommend revising the paragraph to state all variances in excess of twenty dollars ($20) will be investigated.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #23: In MICS Chapter H 6.01—Not all licensees use a cage supervisor to investigate variances; therefore, they would request the ability to use a cage supervisor or cage administrator to investigate variances.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #24: In MICS Chapter H 6.05—Licensees would request the removal of the first three (3) words in this section. It is sufficient to have the cassettes labeled in a manner in which the label is clearly visible to surveillance without the requirement the label be located on "the top of" each cassette.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #25: In MICS Chapter H 15.05—Licensees would request to add verbiage to this section so it will read "cancelled by marking redeemed or by lining through the face of the coupon with a permanent marker upon receipt from the patron."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #26: In MICS Chapter H 15.07—In order to be consistent with Chapter E, licensees would request a new sub-heading titled "Promotional Tickets/Coupons" be added prior to section 15.07. As a result, the numbering should also be revised. Section 15.07 would become section 16.01 and so on.
RESPONSE: The commission agrees with all comments, but will make the appropriate changes in the next rewrite.

COMMENT #27: In MICS Chapter I-31b—Licensees would recommend the verbiage be revised in this paragraph to state "Employees who create accounts are not allowed to add points." This will improve customer service by permitting employees who add points the ability to reprint player cards for existing accounts.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and will change the verbiage to "anyone capable of adding points cannot redeem points."

COMMENT #28: In MICS Chapter K 2.04—Section 2.04 is not consistent with section 2.01 and 2.02 which state transactions in excess of three thousand dollars ($3,000) must be logged on the MTL. Section 2.04 states transaction of three thousand dollars ($3,000) or more. This is not consistent.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #29: In MICS Chapter K 3.04—Licensees would request verbiage be added to this section which would allow them to file electronically with the Internal Revenue Service (IRS).

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and will remove "external source" and add "electronic transfer."

COMMENT #30: In MICS Chapter K 4.07—In order to be consistent with Chapter R of the MICS, licensees would suggest changing the word "Customer" to "Safekeeping."

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #31: In MICS Chapter K 5.04—Licensees would object to this section as it is not consistent with IRS instructions. If there is less than ten thousand dollars ($10,000) involved, the transaction should be handled as a suspicious transaction not a currency transaction as is listed here. This would also require the elimination of last two (2) sentences of this section.

RESPONSE AND EXPLANATION OF CHANGE: The commission will delete the last two (2) sentences of this section.

COMMENT #32: In MICS Chapter L 2.01 (A)(11)—"Section C" should be revised in this paragraph to state "Chapter C and Section P."

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #33: In MICS Chapter T 1.03—Licensees would suggest that occupational licensees be permitted to accept gifts with a fair market value of under twenty-five dollars ($25) from vendors, players or patrons. Gifts with a fair market value of twenty-five dollars ($25) or more may be accepted from vendors but not from players or patrons. Any gift received with a fair market value of twenty-five dollars ($25) or more shall be documented on a Vendor Gift Log.

RESPONSE: The commission disagrees with the comments; therefore no change will be made.

COMMENT #34: In MICS Chapter T 1.04 and 1.05—In both of these sections, verbiage needs to be added to allow tips to be deposited into a "tip tube." The way it is currently written requires the tip to be immediately deposited into the tip box which is not consistent with other chapters of the MICS including Chapter D.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #35: In MICS Chapter T 2.01 (B)—Licensees believe it is excessive to require the supervisor to acknowledge the call out of dealer tips prior to the dealer completing the transaction. We are holding up play on the tables for verification of less than twenty-five dollars ($25). This is excessive and the requirement should be removed. It is sufficient for the dealer to make an announcement that chips are being colored up.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and will make the appropriate changes.

COMMENT #36: In MICS Chapter T 2.04—Licensees would request to add "or other approved container" to this section. Some licensees use containers other than a bag to secure the tips.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and adopts the change.

COMMENT #37: In MICS Chapters E 4.10 and K 4.03, the first is the identification requirements. This topic is written in two (2) different sections of the MICS. These two (2) sections need to be consistent with each other. One section requires only the drivers license to be unexpired. The other section requires all documents to be unexpired.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with all comments and will make the appropriate changes.

COMMENT #38: In MICS Chapter D (sections 6.06, 8.12, 8.13 and 9.11), Chapter E (sections 3.01 and 4.01), Chapter G (sections 14.05 and 14.06), Chapter H (sections 3.12 and 5.08), Chapter R (section 2.02) and also in Section J (6a and 6c) the licensees want clarified how to make corrections to paperwork. The problem is that the regulations are not consistent from section to section. One section requires one (1) set of initials. Another section requires two (2) sets of initials. And another section requires two (2) sets of initials plus the employee's MGC number. These need to be consistent. Licensees would recommend that the proper way to make corrections is covered in only one section (preferably Chapter R) with all other references to corrections being removed. If not, then we would recommend all sections listed above be updated so that they are all the same.

RESPONSE: The commission agrees with all comments, but will make the appropriate changes in the next rewrite.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 3—Conditions of Provider Participation, Reimbursement and Procedure of General Applicability

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.153, 208.159, 208.164, 208.201 and 210.924, RSMo 2000, the division amends a rule as follows:

13 CSR 70-3.020 Title XIX Provider Enrollment **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2007 (32 MoReg 697). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 700—Licensing
Chapter 4—Utilization Review

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, under

sections 374.515, and 376.1399, RSMo 2000, the director amends a rule as follows:

20 CSR 700-4.100 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2007 (32 MoReg 718-719). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received three (3) comments on the proposed amendment.

COMMENT #1: The department received a comment from Crawford and Company regarding subsection (2)(C), requiring license renewals to include a list of the utilization review agent's clients. The commenter stated that this item is quite burdensome especially to large utilization review organizations. A utilization review organization may provide utilization review to a carrier, who may have hundreds of clients. Additionally, this information is subject to change frequently.
RESPONSE AND EXPLANATION OF CHANGE: The intent of the proposed change is to capture contact information for the utilization review agent's direct client health plans, not the health plans' clients. Therefore, in response to the comment the department has changed subsection (2)(C). "Be accompanied by a list of the utilization review agent's current health plan clients with contact information for each such health plan client. A list of the health plan's clients is not required to accompany the application. A list of the health plan's clients is not required to accompany the application."

COMMENT #2: The department received a comment from Crawford and Company regarding subsection (6)(A), objecting to the requirement for the utilization review agent medical director to be licensed in the state of Missouri.
RESPONSE: Section 376.1361.2, RSMo 2000, requires that the utilization review medical director be a qualified health care professional licensed in the state of Missouri. The department has no authority to alter this statutory requirement. No changes have been made to the rule in response to comment #2.

COMMENT #3: The department received a comment from Bridgeport Dental regarding paragraphs (6)(G)2. and 3., prohibiting a utilization review agent from retracting or reducing payment once a prior authorization is used, unless certain conditions apply. The commenter indicated that Medicaid's orthodontic benefit is administered in a manner such that treatment can be preauthorized for multiple visits, then interrupted or continued on a self-pay basis if Medicaid eligibility is interrupted, including reimbursement of the full amount if Medicaid eligibility is subsequently reinstated. The commenter asked for revision to address such benefits, or clarification that the proposed items do not apply to such benefits.
RESPONSE: Paragraphs (6)(G)2. and 3. have been taken directly from section 376.1361.13, RSMo 2000. The law and Medicaid benefit have remained the same. Therefore, if the manner of administering the orthodontic benefit was consistent with the law in the past, it can presumably continue to be handled the same way upon finalization of the proposed amendment. No changes have been made to the proposed amendment in response to comment #3.

20 CSR 700-4.100 Utilization Review

(2) Each application for renewal shall—

(C) Be accompanied by a list of the utilization review agent's current health plan clients with contact information for each such health plan client. A list of the health plan's clients is not required to accompany the application.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for October 1, 2007. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

07/20/07

#4098 HS: Landmark Hospital of Columbia
Columbia (Boone County)
$9,000,000, Establish 42-bed long-term care hospital

#4094 RS: Velma Dowdy Assisted Living
Van Buren (Carter County)
$1,000,000, Establish 24-bed assisted living facility

#4093 RS: Twin Oaks at Heritage Point
Wentzville (St. Charles County)
$5,431,800, Establish 50-bed assisted living facility

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by August 22, 2007. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

For additional information contact
Donna Schuessler, (573) 751-6403.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the expedited applications listed below. A decision is tentatively scheduled for September 21, 2007. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

07/17/07

#4095 HS: St. Francis Hospital & Health Services
Maryville (Nodaway County)
$1,352,913, Replace magnetic resonance imager

08/10/07

#4057 NP: Wilshire at Lakewood
Lee's Summit (Jackson County)
$121,823, Long-term care bed expansion through the purchase of 20 skilled nursing facility beds from Maries Manor, Vienna (Maries County)

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by September 12, 2007. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

For additional information contact
Donna Schuessler, (573) 751-6403.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

Notice of Corporate Dissolution To All Creditors of and Claimants Against St. Luke's Radiological Group, P.C.

On July 11, 2007, St. Luke's Radiological Group, P.C. filed its Articles of Dissolution with the Missouri Secretary of State. The dissolution was effective upon filing. You are hereby notified that if you believe you have a claim against St. Luke's Radiological Group, P.C.,, you must submit a summary in writing of the circumstances surrounding your claim to the corporation at 2345 Grand Blvd., Suite 2800, Kansas City, MO 64108. The summary of your claim must include the following information: (1) the name, address and telephone number of the claimant; (2) the amount of the claim; (3) the date on which the event on which the claim is based occurred; and (4) a brief description of the nature of the debt or the basis for the claim. All claims against St. Luke's Radiological Group, P.C., will be barred unless the proceeding to enforce the claim is commenced within two years after the publication of this notice.

NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST MARYLAND PLAZA MARKET, INC.

On July 17, 2007, Maryland Plaza Market, Inc., a Missouri Corporation, filed its Articles of Dissolution with the Missouri Secretary of State, Dissolution was effective on July 17, 2007.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to: Husch & Eppenberger, LLC, 190 Carondelet Plaza, Suite 600, St. Louis, Missouri 63105, Attn: James R. (Bud) Strong.

Each claim must include: the name and address of the claimant; the amount claimed; the basis for the claim; the date(s) on which the event(s) on which the claim was based occurred; and whether the corporation has been previously notified of the claim, and, if so, when.

NOTICE: Because of the dissolution of Maryland Plaza Market, Inc., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the notices authorized by statute, whichever is published last.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
SUNGLASS EXCITEMENT, L.L.C.**

On June 1, 2007, Sunglass Excitement, L.L.C. a Missouri limited liability company, filed its Notice of Winding Up for limited liability company with the Missouri Secretary of State, effective on the filing date. Dissolution was effective June 30, 2007.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company at: Sunglass Excitement, L.L.C. c/o Michael E. Long, Esq., Stinson Morrison Hecker LLP, 168 North Meramec Avenue, Suite 400, St. Louis, Missouri 63105. All claims must include the name and address of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim.

All claims against Sunglass Excitement, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-8.010	Commissioner of Administration		32 MoReg 970		
1 CSR 15-3.350	Administrative Hearing Commission		32 MoReg 1025		
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-2.040	Animal Health		32 MoReg 971		
2 CSR 30-10.010	Animal Health		32 MoReg 578	32 MoReg 1350	
2 CSR 80-5.010	State Milk Board		32 MoReg 1093		
2 CSR 90-30.085	Weights and Measures		32 MoReg 1027		
2 CSR 110-3.010	Office of the Director		32 MoReg 1170		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-4.130	Conservation Commission		32 MoReg 696	32 MoReg 1136	
3 CSR 10-5.422	Conservation Commission		N.A.	32 MoReg 1047	
3 CSR 10-7.431	Conservation Commission		N.A.	32 MoReg 1047	
3 CSR 10-7.432	Conservation Commission		N.A.	32 MoReg 1048	
3 CSR 10-7.433	Conservation Commission		N.A.	32 MoReg 1048	
3 CSR 10-7.434	Conservation Commission		N.A.	32 MoReg 1048	
3 CSR 10-7.437	Conservation Commission		N.A.	32 MoReg 1049	
3 CSR 10-7.438	Conservation Commission		N.A.	32 MoReg 1049	
3 CSR 10-7.440	Conservation Commission		N.A.	32 MoReg 1350	
3 CSR 10-7.455	Conservation Commission		N.A.	32 MoReg 1049	32 MoReg 261
3 CSR 10-20.805	Conservation Commission		N.A.	32 MoReg 1050	
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 240-23.020	Public Service Commission		32 MoReg 1096		
4 CSR 240-23.030	Public Service Commission		32 MoReg 1104		
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 50-500.010	Division of School Improvement		32 MoReg 412	32 MoReg 1051W	
5 CSR 60-100.050	Division of Career Education		31 MoReg 1644R 32 MoReg 629R	 32 MoReg 1351R	
5 CSR 70-742.140	Special Education		N.A.	32 MoReg 1052	
5 CSR 80-800.200	Teacher Quality and Urban Education		32 MoReg 759		
5 CSR 80-800.220	Teacher Quality and Urban Education		32 MoReg 759		
5 CSR 80-800.230	Teacher Quality and Urban Education		32 MoReg 760		
5 CSR 80-800.260	Teacher Quality and Urban Education		32 MoReg 760		
5 CSR 80-800.270	Teacher Quality and Urban Education		32 MoReg 761		
5 CSR 80-800.280	Teacher Quality and Urban Education		32 MoReg 761		
5 CSR 80-800.350	Teacher Quality and Urban Education		32 MoReg 761		
5 CSR 80-800.360	Teacher Quality and Urban Education		32 MoReg 762		
5 CSR 80-800.380	Teacher Quality and Urban Education		32 MoReg 762		
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-4.020	Missouri Highways and Transportation Commission		32 MoReg 629	32 MoReg 1424	
7 CSR 10-6.070	Missouri Highways and Transportation Commission		32 MoReg 536	32 MoReg 1136	
7 CSR 10-25.010	Missouri Highways and Transportation Commission				32 MoReg 1059 32 MoReg 1426
7 CSR 10-25.030	Missouri Highways and Transportation Commission *(Changed from 12 CSR 20-3.010)*	32 MoReg 521	32 MoReg 541	32 MoReg 1136	
	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS				
8 CSR 10-3.130	Division of Employment Security		32 MoReg 537	32 MoReg 1052	
8 CSR 30-5.010	Division of Labor Standards	This Issue	This Issue		
8 CSR 30-5.020	Division of Labor Standards	This Issue	This Issue		
8 CSR 30-5.030	Division of Labor Standards	This Issue	This Issue		
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR 10-2.100	Air Conservation Commission		32 MoReg 1115R		
10 CSR 10-2.210	Air Conservation Commission		32 MoReg 1175		
10 CSR 10-3.030	Air Conservation Commission		32 MoReg 1115R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 10-4.090	Air Conservation Commission		32 MoReg 1115R		
10 CSR 10-5.070	Air Conservation Commission		32 MoReg 1116R		
10 CSR 10-5.220	Air Conservation Commission		32 MoReg 215	32 MoReg 1351	
10 CSR 10-5.375	Air Conservation Commission		32 MoReg 305R	32 MoReg 1053R	
10 CSR 10-5.380	Air Conservation Commission		32 MoReg 305R	32 MoReg 1053R	
10 CSR 10-5.381	Air Conservation Commission		32 MoReg 306	32 MoReg 1053	
10 CSR 10-6.045	Air Conservation Commission		32 MoReg 1116		
10 CSR 10-6.070	Air Conservation Commission		32 MoReg 139	32 MoReg 1057	
10 CSR 10-6.075	Air Conservation Commission		32 MoReg 139	32 MoReg 1057	
10 CSR 10-6.080	Air Conservation Commission		32 MoReg 141	32 MoReg 1057	
10 CSR 10-6.110	Air Conservation Commission		32 MoReg 976		
10 CSR 10-6.241	Air Conservation Commission		32 MoReg 1118		
10 CSR 10-6.250	Air Conservation Commission		32 MoReg 1119		
10 CSR 10-6.260	Air Conservation Commission		32 MoReg 1180		
10 CSR 10-6.300	Air Conservation Commission		32 MoReg 538	32 MoReg 1424	
10 CSR 20-4.023	Clean Water Commission	32 MoReg 395	32 MoReg 633		
10 CSR 20-4.030	Clean Water Commission	32 MoReg 396	32 MoReg 636		
10 CSR 20-4.061	Clean Water Commission	32 MoReg 396	32 MoReg 638		
10 CSR 20-7.050	Clean Water Commission	31 MoReg 1845	31 MoReg 2049	32 MoReg 1136	
10 CSR 23-3.100	Division of Geology and Land Survey		32 MoReg 320	32 MoReg 1058	
10 CSR 23-5.050	Division of Geology and Land Survey		32 MoReg 322	32 MoReg 1058	
10 CSR 25-2.020	Hazardous Waste Management Commission		32 MoReg 640		
10 CSR 60-13.010	Public Drinking Water Program	32 MoReg 398	32 MoReg 641		
10 CSR 80-8.020	Solid Waste Management		32 MoReg 224	32 MoReg 1358	
10 CSR 80-8.030	Solid Waste Management		32 MoReg 226	32 MoReg 1359	
10 CSR 80-8.040	Solid Waste Management		32 MoReg 227R	32 MoReg 1359R	
10 CSR 80-8.050	Solid Waste Management		32 MoReg 228	32 MoReg 1360	
10 CSR 80-8.060	Solid Waste Management		32 MoReg 238	32 MoReg 1360	
10 CSR 80-9.010	Solid Waste Management		32 MoReg 323R	This IssueR	
10 CSR 80-9.030	Solid Waste Management		32 MoReg 241	32 MoReg 1361	
10 CSR 80-9.035	Solid Waste Management		32 MoReg 242	32 MoReg 1361	
10 CSR 80-9.050	Solid Waste Management		32 MoReg 323	This Issue	
10 CSR 140-2	Division of Energy				32 MoReg 599
10 CSR 140-6.010	Division of Energy		32 MoReg 696	This Issue	
	DEPARTMENT OF PUBLIC SAFETY				
11 CSR 10-3.015	Adjutant General		32 MoReg 1182		
11 CSR 40-5.110	Division of Fire Safety		32 MoReg 841		
11 CSR 45-1.090	Missouri Gaming Commission		32 MoReg 579	This Issue	
11 CSR 45-5.051	Missouri Gaming Commission		32 MoReg 581	This Issue	
11 CSR 45-5.183	Missouri Gaming Commission		32 MoReg 581	This Issue	
11 CSR 45-5.184	Missouri Gaming Commission		32 MoReg 582	This Issue	
11 CSR 45-5.185	Missouri Gaming Commission		32 MoReg 585	This Issue	
11 CSR 45-5.265	Missouri Gaming Commission		32 MoReg 587	This Issue	
11 CSR 45-8.130	Missouri Gaming Commission		32 MoReg 590	This Issue	
11 CSR 45-9.030	Missouri Gaming Commission		32 MoReg 591	This Issue	
11 CSR 50-2.400	Missouri State Highway Patrol		32 MoReg 1122R		
	DEPARTMENT OF REVENUE				
12 CSR 10-23.170	Director of Revenue		32 MoReg 1031R		
12 CSR 10-23.220	Director of Revenue		32 MoReg 1031R		
12 CSR 10-23.285	Director of Revenue		32 MoReg 1031R		
12 CSR 10-23.295	Director of Revenue		32 MoReg 1031		
12 CSR 10-23.415	Director of Revenue		32 MoReg 1033R		
12 CSR 10-23.460	Director of Revenue		32 MoReg 1033R		
12 CSR 20-3.010	Highway Reciprocity Commission *(Changed to 7 CSR 10-25.030)*	32 MoReg 521	32 MoReg 541	32 MoReg 1136	
	DEPARTMENT OF SOCIAL SERVICES				
13 CSR 35-32.010	Children's Division		32 MoReg 1122		
13 CSR 40-2.370	Family Support Division		32 MoReg 1033		
13 CSR 40-32.010	Family Support Division	32 MoReg 693	32 MoReg 1123R		
13 CSR 70-3.020	Division of Medical Services		32 MoReg 697	This Issue	
13 CSR 70-3.030	Division of Medical Services		32 MoReg 698	32 MoReg 1424	
13 CSR 70-3.170	Division of Medical Services	32 MoReg 1167	32 MoReg 1183		
13 CSR 70-10.015	Division of Medical Services		32 MoReg 700		
13 CSR 70-10.030	Division of Medical Services	32 MoReg 1168	32 MoReg 1186		
13 CSR 70-10.080	Division of Medical Services		32 MoReg 716		
13 CSR 70-15.010	Division of Medical Services		32 MoReg 593	32 MoReg 1137	
13 CSR 70-15.030	Division of Medical Services		32 MoReg 1396		
13 CSR 70-15.110	Division of Medical Services	32 MoReg 1169	32 MoReg 1189		
13 CSR 70-15.180	Division of Medical Services	32 MoReg 1087			
	ELECTED OFFICIALS				
15 CSR 30-52.030	Secretary of State		32 MoReg 1123		
	BOARDS OF POLICE COMMISSIONERS				
17 CSR 20-2.025	St. Louis Board of Police Commissioners		This Issue		

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17 CSR 20-2.035	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.075	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.085	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.105	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.125	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.135	St. Louis Board of Police Commissioners		This Issue		
	DEPARTMENT OF HEALTH AND SENIOR SERVICES				
19 CSR 20-20.010	Division of Community and Public Health	32 MoReg 1087	32 MoReg 1124		
19 CSR 20-20.050	Division of Community and Public Health	32 MoReg 1089	32 MoReg 1125		
19 CSR 25-36.010	Division of Administration		32 MoReg 1125		
19 CSR 30-20.001	Division of Regulation and Licensure		32 MoReg 336	32 MoReg 1137	
19 CSR 30-20.021	Division of Regulation and Licensure		32 MoReg 1191R		32 MoReg 1427
19 CSR 30-20.080	Division of Regulation and Licensure		32 MoReg 1191		
19 CSR 30-20.082	Division of Regulation and Licensure		32 MoReg 1197		
19 CSR 30-20.084	Division of Regulation and Licensure		32 MoReg 1202		
19 CSR 30-20.086	Division of Regulation and Licensure		32 MoReg 1202		
19 CSR 30-20.088	Division of Regulation and Licensure		32 MoReg 1208		
19 CSR 30-20.090	Division of Regulation and Licensure		32 MoReg 1213		
19 CSR 30-20.092	Division of Regulation and Licensure		32 MoReg 1218		
19 CSR 30-20.094	Division of Regulation and Licensure		32 MoReg 1224		
19 CSR 30-20.096	Division of Regulation and Licensure		32 MoReg 1230		
19 CSR 30-20.098	Division of Regulation and Licensure		32 MoReg 1236		
19 CSR 30-20.100	Division of Regulation and Licensure		32 MoReg 1242		
19 CSR 30-20.102	Division of Regulation and Licensure		32 MoReg 1249		
19 CSR 30-20.104	Division of Regulation and Licensure		32 MoReg 1254		
19 CSR 30-20.106	Division of Regulation and Licensure		32 MoReg 1259		
19 CSR 30-20.108	Division of Regulation and Licensure		32 MoReg 1259		
19 CSR 30-20.110	Division of Regulation and Licensure		32 MoReg 1264		
19 CSR 30-20.112	Division of Regulation and Licensure		32 MoReg 1270		
19 CSR 30-20.114	Division of Regulation and Licensure		32 MoReg 1275		
19 CSR 30-20.116	Division of Regulation and Licensure		32 MoReg 1282		
19 CSR 30-20.118	Division of Regulation and Licensure		32 MoReg 1288		
19 CSR 30-20.120	Division of Regulation and Licensure		32 MoReg 1291		
19 CSR 30-20.122	Division of Regulation and Licensure		32 MoReg 1294		
19 CSR 30-20.124	Division of Regulation and Licensure		32 MoReg 1297		
19 CSR 30-20.126	Division of Regulation and Licensure		32 MoReg 1300		
19 CSR 30-20.128	Division of Regulation and Licensure		32 MoReg 1303		
19 CSR 30-20.130	Division of Regulation and Licensure		32 MoReg 1306		
19 CSR 30-20.132	Division of Regulation and Licensure		32 MoReg 1309		
19 CSR 30-20.134	Division of Regulation and Licensure		32 MoReg 1312		
19 CSR 30-20.136	Division of Regulation and Licensure		32 MoReg 1315		
19 CSR 30-20.138	Division of Regulation and Licensure		32 MoReg 1318		
19 CSR 30-20.140	Division of Regulation and Licensure		32 MoReg 1321		
19 CSR 30-20.142	Division of Regulation and Licensure		32 MoReg 1324		
19 CSR 30-30.010	Division of Regulation and Licensure		32 MoReg 336	32 MoReg 1137	
19 CSR 30-30.020	Division of Regulation and Licensure		32 MoReg 337	32 MoReg 1137	
19 CSR 30-40.410	Division of Regulation and Licensure		32 MoReg 338	32 MoReg 1138	
19 CSR 30-40.430	Division of Regulation and Licensure		32 MoReg 339	32 MoReg 1138	
19 CSR 60-50	Missouri Health Facilities Review Committee				32 MoReg 1141 32 MoReg 1363 32 MoReg 1427 This Issue
	DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION				
20 CSR	Construction Claims Binding Arbitration Cap				32 MoReg 667
20 CSR	Medical Malpractice				30 MoReg 481 31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019
20 CSR	State Legal Expense Fund Cap				32 MoReg 668
20 CSR 500-5.020	Property and Casualty	32 MoReg 401	32 MoReg 416 32 MoReg 1397	32 MoReg 1139W	
20 CSR 500-5.025	Property and Casualty	32 MoReg 403	32 MoReg 423 32 MoReg 1407	32 MoReg 1140W	
20 CSR 500-5.026	Property and Casualty	32 MoReg 404	32 MoReg 423 32 MoReg 1407	32 MoReg 1140W	
20 CSR 500-5.027	Property and Casualty	32 MoReg 404	32 MoReg 424 32 MoReg 1408	32 MoReg 1140W	
20 CSR 600-1.030	Statistical Reporting	32 MoReg 1023	32 MoReg 1034		
20 CSR 700-4.100	Licensing		32 MoReg 718	This Issue	
20 CSR 700-6.350	Licensing		31 MoReg 931		
20 CSR 2030-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1129		
20 CSR 2030-2.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1129		

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20 CSR 2030-4.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1129		
20 CSR 2030-4.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1130		
20 CSR 2030-5.110	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1131		
20 CSR 2030-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1131		
20 CSR 2030-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1131		
20 CSR 2030-11.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1132		
20 CSR 2030-11.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1132		
20 CSR 2030-16.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1133		
20 CSR 2030-16.100	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1133		
20 CSR 2030-17.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1134		
20 CSR 2030-17.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1134		
20 CSR 2030-18.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1134		
20 CSR 2040-3.030	Office of Athletics		32 MoReg 719	32 MoReg 1424	
20 CSR 2040-4.090	Office of Athletics		32 MoReg 719	32 MoReg 1425	
20 CSR 2040-8.010	Office of Athletics		32 MoReg 763		
20 CSR 2040-8.020	Office of Athletics		32 MoReg 764		
20 CSR 2040-8.030	Office of Athletics		32 MoReg 770		
20 CSR 2040-8.040	Office of Athletics		32 MoReg 774		
20 CSR 2040-8.050	Office of Athletics		32 MoReg 778		
20 CSR 2040-8.060	Office of Athletics		32 MoReg 779		
20 CSR 2040-8.070	Office of Athletics		32 MoReg 783		
20 CSR 2040-8.080	Office of Athletics		32 MoReg 783		
20 CSR 2040-8.090	Office of Athletics		32 MoReg 786		
20 CSR 2040-8.100	Office of Athletics		32 MoReg 786		
20 CSR 2040-8.110	Office of Athletics		32 MoReg 789		
20 CSR 2040-8.120	Office of Athletics		32 MoReg 790		
20 CSR 2040-8.130	Office of Athletics		32 MoReg 792		
20 CSR 2040-8.140	Office of Athletics		32 MoReg 794		
20 CSR 2040-8.150	Office of Athletics		32 MoReg 795		
20 CSR 2040-8.160	Office of Athletics		32 MoReg 795		
20 CSR 2040-8.170	Office of Athletics		32 MoReg 798		
20 CSR 2040-8.180	Office of Athletics		32 MoReg 798		
20 CSR 2040-8.190	Office of Athletics		32 MoReg 799		
20 CSR 2060-1.025	State Board of Barber Examiners		32 MoReg 1324R		
20 CSR 2070-2.032	State Board of Chiropractic Examiners		32 MoReg 1324		
20 CSR 2070-2.040	State Board of Chiropractic Examiners		32 MoReg 1325		
20 CSR 2070-2.050	State Board of Chiropractic Examiners		32 MoReg 1325		
20 CSR 2070-2.060	State Board of Chiropractic Examiners		32 MoReg 1326		
20 CSR 2070-2.070	State Board of Chiropractic Examiners		32 MoReg 1326		
20 CSR 2070-2.080	State Board of Chiropractic Examiners		32 MoReg 1327R 32 MoReg 1327		
20 CSR 2070-2.081	State Board of Chiropractic Examiners		32 MoReg 1333		
20 CSR 2070-2.090	State Board of Chiropractic Examiners		32 MoReg 1335		
20 CSR 2070-3.010	State Board of Chiropractic Examiners		32 MoReg 1338		
20 CSR 2070-4.030	State Board of Chiropractic Examiners		32 MoReg 1338		
20 CSR 2085-3.010	Board of Cosmetology and Barber Examiners		32 MoReg 1338		
20 CSR 2090-13.010	State Board of Cosmetology		32 MoReg 1347R		
20 CSR 2110-2.070	Missouri Dental Board		32 MoReg 1408		
20 CSR 2110-2.071	Missouri Dental Board		32 MoReg 1409		
20 CSR 2110-2.190	Missouri Dental Board		32 MoReg 988		
20 CSR 2110-2.210	Missouri Dental Board		32 MoReg 988		
20 CSR 2150-2.001	State Board of Registration for the Healing Arts		32 MoReg 1409		
20 CSR 2150-3.010	State Board of Registration for the Healing Arts		32 MoReg 1347		
20 CSR 2150-3.020	State Board of Registration for the Healing Arts		32 MoReg 1410		
20 CSR 2150-3.090	State Board of Registration for the Healing Arts		32 MoReg 1410		
20 CSR 2150-4.052	State Board of Registration for the Healing Arts		32 MoReg 1347		
20 CSR 2150-4.200	State Board of Registration for the Healing Arts		32 MoReg 1411R		
20 CSR 2150-4.205	State Board of Registration for the Healing Arts		32 MoReg 1411		
20 CSR 2150-6.020	State Board of Registration for the Healing Arts		32 MoReg 1348		
20 CSR 2150-9.050	State Board of Registration for the Healing Arts		32 MoReg 1349		
20 CSR 2200-2.001	State Board of Nursing		32 MoReg 843R 32 MoReg 843		
20 CSR 2200-2.010	State Board of Nursing		32 MoReg 844R 32 MoReg 844		

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20 CSR 2200-2.020	State Board of Nursing		32 MoReg 853R 32 MoReg 853		
20 CSR 2200-2.030	State Board of Nursing		32 MoReg 853R 32 MoReg 854		
20 CSR 2200-2.035	State Board of Nursing		32 MoReg 854R 32 MoReg 854		
20 CSR 2200-2.040	State Board of Nursing		32 MoReg 855R 32 MoReg 855		
20 CSR 2200-2.050	State Board of Nursing		32 MoReg 859R 32 MoReg 859		
20 CSR 2200-2.060	State Board of Nursing		32 MoReg 861R 32 MoReg 861		
20 CSR 2200-2.070	State Board of Nursing		32 MoReg 864R 32 MoReg 864		
20 CSR 2200-2.080	State Board of Nursing		32 MoReg 866R 32 MoReg 866		
20 CSR 2200-2.085	State Board of Nursing		32 MoReg 866R 32 MoReg 867		
20 CSR 2200-2.090	State Board of Nursing		32 MoReg 867R 32 MoReg 867		
20 CSR 2200-2.100	State Board of Nursing		32 MoReg 868R 32 MoReg 868		
20 CSR 2200-2.110	State Board of Nursing		32 MoReg 869R 32 MoReg 869		
20 CSR 2200-2.120	State Board of Nursing		32 MoReg 872R 32 MoReg 872		
20 CSR 2200-2.130	State Board of Nursing		32 MoReg 872R 32 MoReg 873		
20 CSR 2200-2.180	State Board of Nursing		32 MoReg 873R 32 MoReg 873		
20 CSR 2200-3.001	State Board of Nursing		32 MoReg 877R 32 MoReg 877		
20 CSR 2200-3.010	State Board of Nursing		32 MoReg 878R 32 MoReg 878		
20 CSR 2200-3.020	State Board of Nursing		32 MoReg 887R 32 MoReg 887		
20 CSR 2200-3.030	State Board of Nursing		32 MoReg 887R 32 MoReg 888		
20 CSR 2200-3.035	State Board of Nursing		32 MoReg 888R 32 MoReg 888		
20 CSR 2200-3.040	State Board of Nursing		32 MoReg 889R 32 MoReg 889		
20 CSR 2200-3.050	State Board of Nursing		32 MoReg 893R 32 MoReg 893		
20 CSR 2200-3.060	State Board of Nursing		32 MoReg 895R 32 MoReg 895		
20 CSR 2200-3.070	State Board of Nursing		32 MoReg 898R 32 MoReg 898		
20 CSR 2200-3.080	State Board of Nursing		32 MoReg 900R 32 MoReg 900		
20 CSR 2200-3.085	State Board of Nursing		32 MoReg 900R 32 MoReg 901		
20 CSR 2200-3.090	State Board of Nursing		32 MoReg 901R 32 MoReg 901		
20 CSR 2200-3.100	State Board of Nursing		32 MoReg 902R 32 MoReg 902		
20 CSR 2200-3.110	State Board of Nursing		32 MoReg 903R 32 MoReg 903		
20 CSR 2200-3.120	State Board of Nursing		32 MoReg 906R 32 MoReg 906		
20 CSR 2200-3.130	State Board of Nursing		32 MoReg 906R 32 MoReg 907		
20 CSR 2200-3.180	State Board of Nursing		32 MoReg 907R 32 MoReg 907		
20 CSR 2200-4.020	State Board of Nursing		32 MoReg 988		
20 CSR 2210-2.030	State Board of Optometry		32 MoReg 1135		
20 CSR 2230-1.010	State Board of Podiatric Medicine		32 MoReg 1412		
20 CSR 2230-1.020	State Board of Podiatric Medicine		32 MoReg 1412		
20 CSR 2230-2.010	State Board of Podiatric Medicine		32 MoReg 1414		
20 CSR 2230-2.020	State Board of Podiatric Medicine		32 MoReg 1416R 32 MoReg 1416		
20 CSR 2230-2.021	State Board of Podiatric Medicine		32 MoReg 1418		
20 CSR 2230-2.023	State Board of Podiatric Medicine		32 MoReg 1418		
20 CSR 2230-2.050	State Board of Podiatric Medicine		32 MoReg 1422		
20 CSR 2230-2.065	State Board of Podiatric Medicine		32 MoReg 1422		
20 CSR 2232-1.040	Missouri State Committee of Interpreters		This Issue		
20 CSR 2235-2.040	State Committee of Psychologists		32 MoReg 720	32 MoReg 1425	

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20 CSR 2245-3.005	Real Estate Appraisers		32 MoReg 65	32 MoReg 928	32 MoReg 1363
20 CSR 2245-7.010	Real Estate Appraisers		32 MoReg 1423		
20 CSR 2255-4.010	Missouri Board for Respiratory Care		32 MoReg 1349		
20 CSR 2270-2.021	Missouri Veterinary Medical Board		32 MoReg 992		
20 CSR 2270-2.031	Missouri Veterinary Medical Board		32 MoReg 992		
20 CSR 2270-4.011	Missouri Veterinary Medical Board		32 MoReg 993		

Agency		Publication	Expiration
Department of Labor and Industrial Relations			
Division of Labor Standards			
8 CSR 30-5.010	Filing for Arbitration	This Issue	February 28, 2008
8 CSR 30-5.020	Hearings Procedures for Arbitration	This Issue	February 28, 2008
8 CSR 30-5.030	Awards by the Arbitrator	This Issue	February 28, 2008
Department of Revenue			
Director of Revenue			
12 CSR 10-6.100	Motor Fuel Tax Exemption for Operators of Public Mass Transportation Service	Next Issue	February 23, 2008
12 CSR 10-23.365	Issuance of Nonresident Salvage-Buyer's Identification Card	Next Issue	February 23, 2008
12 CSR 10-103.380	Photographers, Photofinishers and Photoengravers, as Defined in Section 144.030, RSMo	Next Issue	February 23, 2008
12 CSR 10-103.381	Items Used or Consumed by Photographers, Photofinishers and Photoengravers, as Defined in Section 144.054, RSMo	Next Issue	February 23, 2008
12 CSR 10-103.400	Sales Tax on Vending Machine Sales, as Defined in Section 144.054, RSMo	Next Issue	February 23, 2008
12 CSR 10-103.555	Determining Taxable Gross Receipts	Next Issue	February 23, 2008
12 CSR 10-110.200	Ingredient or Component Part Exemption, as Defined in Section 144.030, RSMo	Next Issue	February 23, 2008
12 CSR 10-110.201	Materials and Other Goods Used or Consumed in Manufacturing, as Defined in Section 144.054, RSMo	Next Issue	February 23, 2008
12 CSR 10-110.210	Television and Radio Broadcasters	Next Issue	February 23, 2008
12 CSR 10-110.300	Common Carriers	Next Issue	February 23, 2008
12 CSR 10-110.600	Electrical Energy, as Defined in Section 144.030, RSMo	Next Issue	February 23, 2008
12 CSR 10-110.601	Electrical, Other Energy and Water, as Defined in Section 144.054, RSMo	Next Issue	February 23, 2008
12 CSR 10-111.011	Machinery, Equipment, Materials, and Chemicals Used or Consumed in Manufacturing, as Defined in Section 144.054, RSMo	Next Issue	February 23, 2008
12 CSR 10-111.061	Exempt Items Used or Consumed in Materials Recovery Processing, as Defined in Section 144.054, RSMo	Next Issue	February 23, 2008
12 CSR 10-111.100	Commercial Printers, as Defined in Section 144.030, RSMo	Next Issue	February 23, 2008
12 CSR 10-111.101	Items Used or Consumed by Commercial Printers, as Defined in Section 144.054, RSMo	Next Issue	February 23, 2008
12 CSR 10-112.010	Contractors	Next Issue	February 23, 2008
Department of Social Services			
Family Support Division			
13 CSR 40-32.010	Basis of Payment	32 MoReg 693	September 27, 2007
Division of Medical Services			
13 CSR 70-3.170	Medicaid Managed Care Organization Reimbursement Allowance	32 MoReg 1167	December 27, 2007
13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services	32 MoReg 1168	December 27, 2007
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	32 MoReg 1169	December 27, 2007
13 CSR 70-15.180	Grant to Trauma Hospitals for the Care Provided by Physicians Not Employed by the Hospital	32 MoReg 1087	December 12, 2007
Elected Officials			
Secretary of State			
15 CSR 30-70.010	Definitions	October 1, 2007 Issue	February 28, 2008
15 CSR 30-70.020	Application Assistant Training, Registration and Renewal	October 1, 2007 Issue	February 28, 2008
15 CSR 30-70.030	Program Participant Application and Certification Process	October 1, 2007 Issue	February 28, 2008
15 CSR 30-70.040	Cancellation of Program Certification	October 1, 2007 Issue	February 28, 2008
15 CSR 30-70.050	Exercise of Program Participant's Privileges	October 1, 2007 Issue	February 28, 2008
15 CSR 30-70.060	Service of Process	October 1, 2007 Issue	February 28, 2008
15 CSR 30-70.070	Program Participant Renewal	October 1, 2007 Issue	February 28, 2008
15 CSR 30-70.080	Agency Disclosure Request	October 1, 2007 Issue	February 28, 2008
15 CSR 30-70.090	Disclosure to Law Enforcement	October 1, 2007 Issue	February 28, 2008
Department of Health and Senior Services			
Division of Community and Public Health			
19 CSR 20-20.010	Definitions Relating to Communicable, Environmental and Occupational Diseases	32 MoReg 1087	January 1, 2008
19 CSR 20-20.050	Quarantine or Isolation Practices and Closing of Schools and Places of Public and Private Assembly	32 MoReg 1089	January 1, 2008

Department of Insurance, Financial Institutions and Professional Registration

Statistical Reporting
20 CSR 600-1.030 Medical Malpractice Statistical Data Reporting . . . . . 32 MoReg 1023 . . . . . February 28, 2008

Executive Orders	Subject Matter	Filed Date	Publication
	2007		
07-01	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
07-02	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	32 MoReg 298
07-03	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	32 MoReg 299
07-04	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	32 MoReg 301
07-05	Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	32 MoReg 406
07-06	Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	32 MoReg 408
07-07	Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	32 MoReg 410
07-08	Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12	February 6, 2007	32 MoReg 524
07-09	Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet	February 23, 2007	32 MoReg 571
07-10	Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services	February 23, 2007	32 MoReg 573
07-11	Designates members of staff with supervisory authority over selected state agencies	February 23, 2007	32 MoReg 576
07-12	Orders agencies to support measures that promote transparency in health care	March 2, 2007	32 MoReg 625
07-13	Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States	March 6, 2007	32 MoReg 627
07-14	Creates and establishes the Missouri Mentor Initiative, under which up to 200 full-time employees of the state of Missouri are eligible for one hour per week of paid approved work to mentor in Missouri public primary and secondary schools up to 40 hours annually	April 11, 2007	32 MoReg 757
07-15	Gov. Matt Blunt increases the membership of the Mental Health Transformation Working Group from eighteen to twenty-four members	April 23, 2007	32 MoReg 839
07-16	Creates and establishes the Governor's "Crime Laboratory Review Commission" within the Department of Public Safety	June 7, 2007	32 MoReg 1090
07-17	Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding	May 7, 2007	32 MoReg 963
07-18	Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5	May 7, 2007	32 MoReg 965
07-19	Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in a flood relief	May 7, 2007	32 MoReg 967
07-20	Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency	May 7, 2007	32 MoReg 969
07-21	Orders agencies to evaluate the performance of all employees pursuant to the procedures of the Division of Personnel within the Office of Administration and that those evaluations be recorded in the Productivity, Excellence and Results for Missouri (PERforM) State Employee Online Appraisal System	July 11, 2007	32 MoReg 1389
07-22	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on June 4, 2007	July 3, 2007	32 MoReg 1391

Executive Orders	Subject Matter	Filed Date	Publication
07-23	Activates the state militia in response to the aftermath of severe storms that began on June 4, 2007	July 3, 2007	32 MoReg 1393
07-24	Orders the Commissioner of Administration to establish the Missouri Accountability Portal as a free Internet-based tool allowing citizens to view the financial transactions related to the purchase of goods and services and the distribution of funds for state programs	July 11, 2007	32 MoReg 1394
	2006		
06-01	Designates members of staff with supervisory authority over selected state agencies	January 10, 2006	31 MoReg 281
06-02	Extends the deadline for the State Retirement Consolidation Commission to issue its final report and terminate operations to March 1, 2006	January 11, 2006	31 MoReg 283
06-03	Creates and establishes the Missouri Healthcare Information Technology Task Force	January 17, 2006	31 MoReg 371
06-04	Governor Matt Blunt transfers functions, personnel, property, etc. of the Division of Finance, the State Banking Board, the Division of Credit Unions, and the Division of Professional Registration to the Department of Insurance. Renames the Department of Insurance as the Missouri Department of Insurance, Financial Institutions and Professional Registration. Effective August 28, 2006	February 1, 2006	31 MoReg 448
06-05	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Rx Plan Advisory Commission to the Missouri Department of Health and Senior Services. Effective August 28, 2006	February 1, 2006	31 MoReg 451
06-06	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Assistive Technology Advisory Council to the Missouri Department of Elementary and Secondary Education. Rescinds certain provisions of Executive Order 04-08. Effective August 28, 2006	February 1, 2006	31 MoReg 453
06-07	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Life Sciences Research Board to the Missouri Department of Economic Development	February 1, 2006	31 MoReg 455
06-08	Names the state office building, located at 1616 Missouri Boulevard, Jefferson City, Missouri, in honor of George Washington Carver	February 7, 2006	31 MoReg 457
06-09	Directs and orders that the Director of the Department of Public Safety is the Homeland Security Advisor to the Governor, reauthorizes the Homeland Security Advisory Council and assigns them additional duties	February 10, 2006	31 MoReg 460
06-10	Establishes the Government, Faith-based and Community Partnership	March 7, 2006	31 MoReg 577
06-11	Orders and directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property and to employ such equipment as may be necessary in support of civilian authorities	March 13, 2006	31 MoReg 580
06-12	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	March 13, 2006	31 MoReg 582
06-13	The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the public health and safety during the period of the emergency and the subsequent recovery period	March 13, 2006	31 MoReg 584
06-14	Declares a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	April 3, 2006	31 MoReg 643
06-15	Orders and directs the Adjutant General, or his designee, to call and order into active service portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and take such action and employ such equipment as may be necessary in support of civilian authorities, and provide assistance as authorized and directed by the Governor	April 3, 2006	31 MoReg 645
06-16	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 647
06-17	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 649
06-18	Authorizes the investigators from the Division of Fire Safety, the Park Rangers from the Department of Natural Resources, the Conservation Agents from the Department of Conservation, and other POST certified state agency investigators to exercise full state wide police authority as vested in Missouri peace officers pursuant to Chapter 590, RSMo during the period of this state declaration of emergency	April 3, 2006	31 MoReg 651
06-19	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	April 3, 2006	31 MoReg 652

Executive Orders	Subject Matter	Filed Date	Publication
06-20	Creates interim requirements for overdimension and overweight permits for commercial motor carriers engaged in storm recovery efforts	April 5, 2006	31 MoReg 765
06-21	Designates members of staff with supervisory authority over selected state agencies	June 2, 2006	31 MoReg 1055
06-22	Healthy Families Trust Fund	June 22, 2006	31 MoReg 1137
06-23	Establishes Interoperable Communication Committee	June 27, 2006	31 MoReg 1139
06-24	Establishes Missouri Abraham Lincoln Bicentennial Commission	July 3, 2006	31 MoReg 1209
06-25	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	July 20, 2006	31 MoReg 1298
06-26	Directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	July 20, 2006	31 MoReg 1300
06-27	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	July 21, 2006	31 MoReg 1302
06-28	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	July 22, 2006	31 MoReg 1304
06-29	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	August 11, 2006	31 MoReg 1389
06-30	Extends the declaration of emergency contained in Executive Order 06-25 and the terms of Executive Order 06-27 through September 22, 2006, for the purpose of continuing the cleanup efforts in the east central part of the State of Missouri	August 18, 2006	31 MoReg 1466
06-31	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	September 23, 2006	31 MoReg 1699
06-32	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	September 26, 2006	31 MoReg 1701
06-33	Governor Matt Blunt orders all state employees to enable any state owned wireless telecommunications device capable of receiving text messages or emails to receive wireless AMBER alerts	October 4, 2006	31 MoReg 1847
06-34	Governor Matt Blunt amends Executive Order 03-26 relating to the duties of the Information Technology Services Division and the Information Technology Advisory Board	October 11, 2006	31 MoReg 1849
06-35	Governor Matt Blunt creates the Interdepartmental Coordination Council for Job Creation and Economic Growth	October 11, 2006	31 MoReg 1852
06-36	Governor Matt Blunt creates the Interdepartmental Coordination Council for Laboratory Services and Utilization	October 11, 2006	31 MoReg 1854
06-37	Governor Matt Blunt creates the Interdepartmental Coordination Council for Rural Affairs	October 11, 2006	31 MoReg 1856
06-38	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Employee Career Opportunity	October 11, 2006	31 MoReg 1858
06-39	Governor Matt Blunt creates the Mental Health Transformation Working Group	October 11, 2006	31 MoReg 1860
06-40	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Service Delivery Efficiency	October 11, 2006	31 MoReg 1863
06-41	Governor Matt Blunt creates the Interdepartmental Coordination Council for Water Quality	October 11, 2006	31 MoReg 1865
06-42	Designates members of staff with supervisory authority over selected state departments, divisions, and agencies	October 20, 2006	31 MoReg 1936
06-43	Closes state offices on Friday, November 24, 2006	October 24, 2006	31 MoReg 1938
06-44	Adds elementary and secondary education as another category with full membership representation on the Regional Homeland Security Oversight Committees in order to make certain that schools are included and actively engaged in homeland security planning at the state and local level	October 26, 2006	31 MoReg 1939
06-45	Directs the Department of Social Services to prepare a Medicaid beneficiary employer report to be submitted to the governor on a quarterly basis. Such report shall be known as the Missouri Health Care Responsibility Report	November 27, 2006	32 MoReg 6
06-46	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	December 1, 2006	32 MoReg 127
06-47	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	December 1, 2006	32 MoReg 129

Executive Orders	Subject Matter	Filed Date	Publication
06-48	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	December 1, 2006	32 MoReg 131
06-49	Directs the Department of Mental Health to implement recommendations from the Mental Health Task Force to protect client safety and improve the delivery of mental health services	December 19, 2006	32 MoReg 212
06-50	Extends the declaration of emergency contained in Executive Order 06-46 and the terms of Executive Order 06-48 through March 1, 2007, for the purpose of continuing the cleanup efforts in the affected Missouri communities	December 28, 2006	32 MoReg 214

The rule number and the MoReg publication date follow each entry to this index.

RULEMAKING 1-2-3

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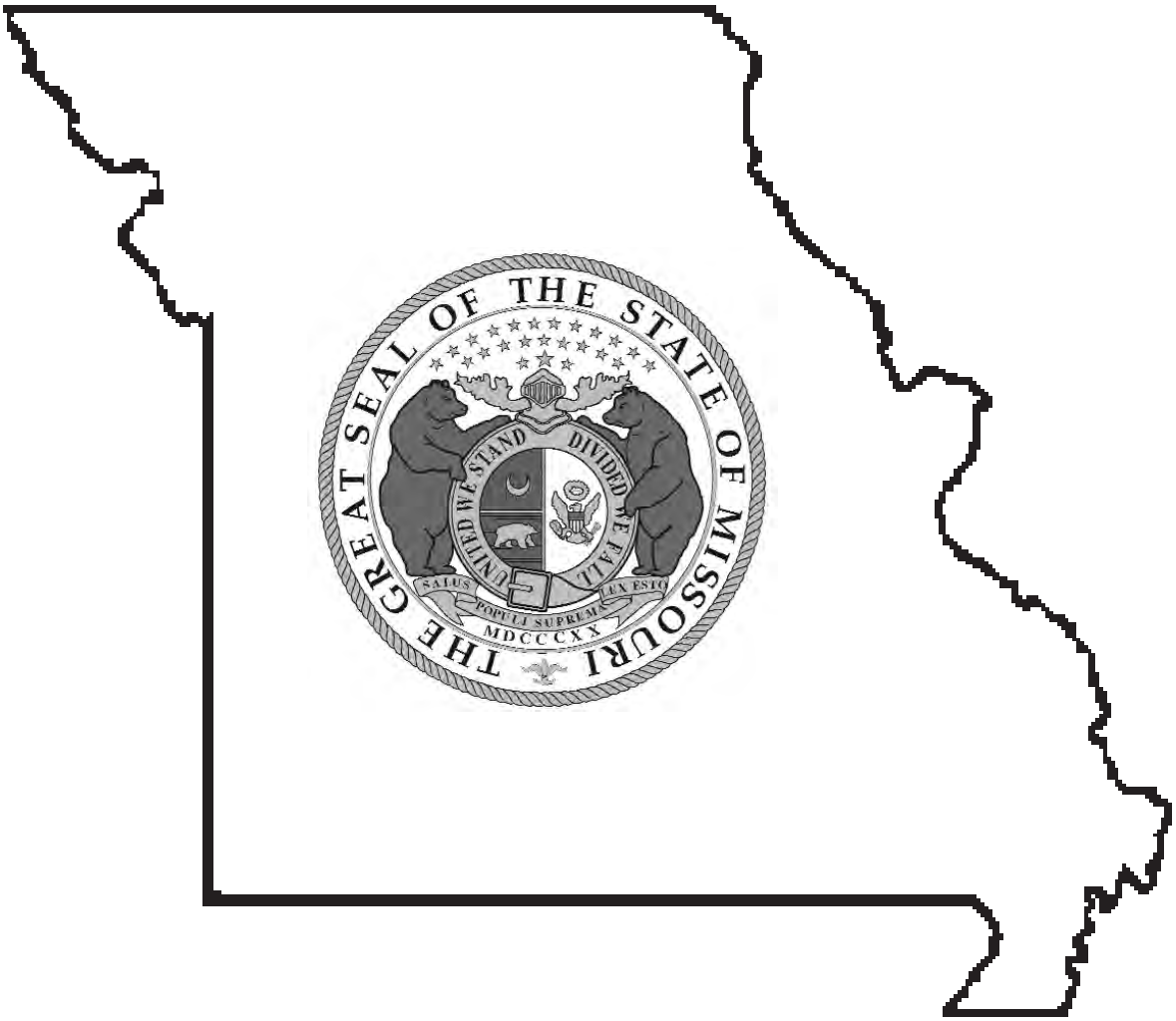

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Questions about the Small Business Impact Statement may be directed to the:

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Office of the Secretary of State

ROBIN CARNAHAN

9/4/07

ROBIN CARNAHAN
SECRETARY OF STATE
PO BOX 1767
JEFFERSON CITY, MO 65102

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